

116TH CONGRESS
2D SESSION

H. R. 6379

Making emergency supplemental appropriations for the fiscal year ending
September 30, 2020, and for other purposes.

IN THE HOUSE OF REPRESENTATIVES

MARCH 23, 2020

Mrs. LOWEY (for herself, Mr. NEAL, Mr. PALLONE, Mr. DEFazio, Mr. SCOTT of Virginia, Ms. VELÁZQUEZ, Ms. WATERS, Mrs. CAROLYN B. MALONEY of New York, and Ms. LOFGREN) introduced the following bill; which was referred to the Committee on Appropriations, and in addition to the Committees on the Budget, and Ways and Means, for a period to be subsequently determined by the Speaker, in each case for consideration of such provisions as fall within the jurisdiction of the committee concerned

A BILL

Making emergency supplemental appropriations for the fiscal
year ending September 30, 2020, 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.**

4 This Act may be cited as the “Take Responsibility
5 for Workers and Families Act”.

6 **SEC. 2. TABLE OF CONTENTS.**

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1 **SEC. 3. REFERENCES.**

2 Except as expressly provided otherwise, any reference
3 to “this Act” contained in any division of this Act shall
4 be treated as referring only to the provisions of that divi-
5 sion.

6 **DIVISION A—THIRD CORONAVIRUS PRE-**
7 **PAREDNESS AND RESPONSE SUPPLE-**
8 **MENTAL APPROPRIATIONS ACT, 2020**

9 TITLE I—AGRICULTURE, RURAL DEVELOP-
10 MENT, FOOD AND DRUG ADMINISTRATION,
11 AND RELATED AGENCIES

12 DEPARTMENT OF AGRICULTURE

13 ANIMAL AND PLANT HEALTH INSPECTION SERVICE

14 SALARIES AND EXPENSES

15 For an additional amount for “Salaries and Ex-
16 penses”, \$55,000,000, to prevent, prepare for, and re-
17 spond to coronavirus, to supplement amounts otherwise
18 available for the Agricultural Quarantine Inspection Pro-
19 gram: *Provided*, That such amount is designated by the
20 Congress as being for an emergency requirement pursuant
21 to section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

23 AGRICULTURAL MARKETING SERVICE

24 MARKETING SERVICES

25 For an additional amount for “Marketing Services”,
26 \$45,000,000, to prevent, prepare for, and respond to

1 coronavirus, to supplement amounts otherwise available
2 for commodity grading, inspection, and audit activities:
3 *Provided*, That such amount is designated by the Congress
4 as being for an emergency requirement pursuant to sec-
5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985.

7 FOOD SAFETY AND INSPECTION SERVICE

8 For an additional amount for “Food Safety and In-
9 spection Service”, \$33,000,000, to prevent, prepare for,
10 and respond to coronavirus, for the support of temporary
11 and intermittent workers, temporary inspection relocation,
12 and overtime inspection costs: *Provided*, That such
13 amount is designated by the Congress as being for an
14 emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 FARM SERVICE AGENCY

18 SALARIES AND EXPENSES

19 For an additional amount for “Salaries and Ex-
20 penses”, \$3,000,000, to prevent, prepare for, and respond
21 to coronavirus, for temporary staff and overtime expenses:
22 *Provided*, That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 RURAL BUSINESS—COOPERATIVE SERVICE

2 RURAL BUSINESS PROGRAM ACCOUNT

3 For an additional amount for “Rural Business Pro-
4 gram Account”, \$20,500,000, to remain available until
5 September 30, 2021, to prevent, prepare for, and respond
6 to coronavirus, for the cost of loans for rural business de-
7 velopment programs authorized by section 310B and de-
8 scribed in subsection (g) of section 310B of the Consoli-
9 dated Farm and Rural Development Act: *Provided*, That
10 such amount is designated by the Congress as being for
11 an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 RURAL UTILITIES SERVICE

15 DISTANCE LEARNING, TELEMEDICINE, AND BROADBAND
16 PROGRAM

17 For an additional amount for “Distance Learning,
18 Telemedicine, and Broadband Program”, \$25,000,000, to
19 remain available until September 30, 2021, to prevent,
20 prepare for, and respond to coronavirus, for grants for
21 telemedicine and distance learning services in rural areas
22 as authorized by 7 U.S.C. 950aaa et seq.: *Provided*, That
23 such amount is designated by the Congress as being for
24 an emergency requirement pursuant to section

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

3 FOOD AND NUTRITION SERVICE

4 COMMODITY ASSISTANCE PROGRAM

5 For an additional amount for “Commodity Assistance
6 Program”, for the emergency food assistance program as
7 authorized by section 27(a) of the Food and Nutrition Act
8 of 2008 (7 U.S.C. 2036(a)) and section 204(a)(1) of the
9 Emergency Food Assistance Act of 1983 (7 U.S.C.
10 7508(a)(1)), \$450,000,000, to remain available through
11 September 30, 2021, to prevent, prepare for, and respond
12 to coronavirus: *Provided*, That of the funds made avail-
13 able, the Secretary may use up to \$200,000,000 for costs
14 associated with the distribution of commodities: *Provided*
15 *further*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 FOREIGN AGRICULTURAL SERVICE

20 SALARIES AND EXPENSES

21 For an additional amount for “Salaries and Ex-
22 penses”, \$4,000,000, to prevent, prepare for, and respond
23 to coronavirus: *Provided*, That such amount is designated
24 by the Congress as being for an emergency requirement

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

3 DEPARTMENT OF HEALTH AND HUMAN
4 SERVICES
5 FOOD AND DRUG ADMINISTRATION
6 SALARIES AND EXPENSES

7 For an additional amount for “Salaries and Ex-
8 penses”, \$80,000,000, to remain available until expended,
9 to prevent, prepare for, and respond to coronavirus, for
10 efforts on potential medical product shortages, enforce-
11 ment work against counterfeit or misbranded products,
12 work on Emergency Use Authorizations, pre- and post-
13 market work on medical countermeasures, therapies, vac-
14 cines and research, and related administrative activities:
15 *Provided*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 GENERAL PROVISIONS—THIS TITLE

20 SEC. 10101. For an additional amount for grants
21 under the pilot program established under section 779 of
22 Public Law 115–141, to prevent, prepare for, and respond
23 to coronavirus, \$258,000,000, to remain available until
24 September 30, 2021: *Provided*, That at least 90 percent
25 of the households to be served by a project receiving a

1 grant shall be in a rural area without sufficient access to
2 broadband: *Provided further*, That for purposes of such
3 pilot program, a rural area without sufficient access to
4 broadband shall be defined as 10 Mbps downstream and
5 1 Mbps upstream, and such definition shall be reevaluated
6 and redefined, as necessary, on an annual basis by the
7 Secretary of Agriculture: *Provided further*, That an entity
8 to which a grant is made under the pilot program shall
9 not use a grant to overbuild or duplicate broadband expan-
10 sion efforts made by any entity that has received a
11 broadband loan from the Rural Utilities Service: *Provided*
12 *further*, That priority consideration for grants shall be
13 given to previous applicants now eligible as a result of ad-
14 justed eligibility requirements: *Provided further*, That not
15 more than three percent of the funds made available in
16 this paragraph may be used for administrative costs to
17 carry out the program: *Provided further*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 SEC. 10102. The first amount under “Child Nutri-
23 tion Programs” in Division B of the Further Consolidated
24 Appropriations Act, 2020 (P.L. 116–94) is amended by

1 striking “\$23,615,098,000” and inserting
2 “\$32,615,098,000”.

3 SEC. 10103. The matter under the heading “Supple-
4 mental Nutrition Assistance Program” in division B of the
5 Further Consolidated Appropriations Act, 2020 (Public
6 Law 116–94) is amended by inserting before “: *Provided*,”
7 the following: “and for an additional amount, such sums
8 as may be necessary to remain available through Sep-
9 tember 30, 2022, which shall be placed in reserve for use
10 only in such amounts and at such times as may become
11 necessary to carry out program operations”.

12 SEC. 10104. For an additional amount for “Supple-
13 mental Nutrition Assistance Program”, to supplement
14 funds otherwise available for the Food Distribution Pro-
15 gram on Indian Reservations, \$100,000,000, to remain
16 available through September 30, 2021, to prevent, prepare
17 for, and respond to coronavirus: *Provided*, That of the
18 total amount available, \$50,000,000 is for administrative
19 expenses, including facility improvements and equipment
20 upgrades, and \$50,000,000 is for the costs relating to ad-
21 ditional food purchases: *Provided further*, That such
22 amount is designated by the Congress as being for an
23 emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 SEC. 10105. In addition to amounts otherwise made
2 available, \$200,000,000, to remain available through Sep-
3 tember 30, 2021, to prevent, prepare for, and respond to
4 coronavirus, shall be available for the Secretary of Agri-
5 culture to provide grants to the Commonwealth of the
6 Northern Mariana Islands, Puerto Rico, and American
7 Samoa for nutrition assistance: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 SEC. 10106. The Secretary may extend the term of
13 a marketing assistance loan authorized by section 1201
14 of the Agricultural Act of 2014 (7 U.S.C. 9033) for any
15 loan commodity to 12 months: *Provided*, That the author-
16 ity made available pursuant to this section shall expire on
17 September 30, 2020: *Provided further*, That amounts
18 made available by this section are designated by the Con-
19 gress as being for an emergency requirement pursuant to
20 section 251(b)(2)(A)(i) of the Balanced Budget and
21 Emergency Deficit Control Act of 1985.

22 SEC. 10107. Notwithstanding any other provision of
23 law, funds made available under each heading in this title
24 shall only be used for the purposes specifically described
25 under that heading.

1 TITLE II—COMMERCE, JUSTICE, SCIENCE, AND
2 RELATED AGENCIES
3 DEPARTMENT OF COMMERCE
4 ECONOMIC DEVELOPMENT ADMINISTRATION
5 ECONOMIC DEVELOPMENT ASSISTANCE PROGRAMS
6 (INCLUDING TRANSFERS OF FUNDS)

7 For an additional amount for “Economic Develop-
8 ment Assistance Programs” for necessary expenses related
9 to responding to economic injury as a result of
10 coronavirus, \$2,000,000,000, to remain available until
11 September 30, 2022: *Provided*, That such amount shall
12 be for economic adjustment assistance as authorized by
13 section 209 of the Public Works and Economic Develop-
14 ment Act of 1965 (42 U.S.C. 3149): *Provided further*,
15 That within the amount appropriated, up to 2 percent of
16 funds appropriated in this paragraph may be transferred
17 to “Salaries and Expenses” for administration and over-
18 sight activities: *Provided further*, That the Secretary of
19 Commerce is authorized to appoint and fix the compensa-
20 tion of such temporary personnel as may be necessary to
21 implement the requirements under this heading, without
22 regard to the provisions of title 5, United States Code,
23 governing appointments in competitive service: *Provided*
24 *further*, That the Secretary of Commerce is authorized to
25 appoint such temporary personnel, after serving continu-

1 ously for 2 years, to positions in the Economic Develop-
2 ment Administration in the same manner that competitive
3 service employees with competitive status are considered
4 for transfer, reassignment, or promotion to such positions,
5 and an individual appointed under this proviso shall be-
6 come a career-conditional employee, unless the employee
7 has already completed the service requirements for career
8 tenure: *Provided further*, That within the amount appro-
9 priated in this paragraph, \$4,000,000 shall be transferred
10 to “Office of Inspector General” for carrying out inves-
11 tigation and audits related to the funding provided under
12 this heading: *Provided further*, That such amount is des-
13 ignated by the Congress as being for an emergency re-
14 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
15 anced Budget and Emergency Deficit Control Act of 1985.

16 MINORITY BUSINESS DEVELOPMENT AGENCY

17 MINORITY BUSINESS DEVELOPMENT

18 For an additional amount for “Minority Business De-
19 velopment” for necessary expenses for the Business Cen-
20 ters and Specialty Centers, including any cost sharing re-
21 quirements that may exist, for assisting minority business
22 enterprises to prevent, prepare for, and respond to
23 coronavirus, including identifying and accessing local,
24 State, and Federal government assistance related to such
25 virus, \$15,000,000, to remain available until September

1 30, 2021: *Provided*, That such amount is designated by
2 Congress as being for an emergency requirement pursuant
3 to section 251(b)(2)(A)(i) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY
6 SCIENTIFIC AND TECHNICAL RESEARCH AND SERVICES

7 For an additional amount for “Scientific and Tech-
8 nical Research and Services” for necessary expenses to
9 prevent, prepare for, and respond to coronavirus,
10 \$6,000,000, to remain available until September 30, 2021,
11 including for measurement science to support testing for
12 such virus (or viral strains mutating therefrom) and bio-
13 manufacturing: *Provided*, That such amount is designated
14 by the Congress as being for an emergency requirement
15 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
16 et and Emergency Deficit Control Act of 1985.

17 INDUSTRIAL TECHNOLOGY SERVICES

18 For an additional amount for “Industrial Technology
19 Services” for necessary expenses, \$75,000,000, to remain
20 available until September 30, 2021, of which \$50,000,000
21 shall be for the Hollings Manufacturing Extension Part-
22 nership to assist manufacturers to prevent, prepare for,
23 and respond to coronavirus, and of which \$25,000,000
24 shall be for the National Network for Manufacturing Inno-
25 vation (also known as “Manufacturing USA”) to support

1 development and manufacturing of medical counter-
2 measures and biomedical equipment and supplies: *Pro-*
3 *vided*, That none of the funds provided under this heading
4 shall be subject to cost share requirements under 15
5 U.S.C. 278k(e)(2) or 15 U.S.C. 278s(e)(7)(A): *Provided*
6 *further*, That such amount is designated by the Congress
7 as being for an emergency requirement pursuant to sec-
8 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
9 gency Deficit Control Act of 1985.

10 NATIONAL OCEANIC AND ATMOSPHERIC
11 ADMINISTRATION
12 OPERATIONS, RESEARCH, AND FACILITIES

13 For an additional amount for “Operations, Research,
14 and Facilities” for necessary expenses to prevent, prepare
15 for, and respond to coronavirus, \$33,200,000, to remain
16 available until September 30, 2021: *Provided*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 DEPARTMENT OF JUSTICE
22 FEDERAL PRISON SYSTEM
23 SALARIES AND EXPENSES

24 For an additional amount for “Salaries and Ex-
25 penses”, \$100,000,000, to remain available until Sep-

1 tember 30, 2021, for necessary expenses to prevent, pre-
2 pare for, and respond to coronavirus, including for main-
3 taining correctional operations, including overtime costs,
4 temporary facilities, purchase and rental of equipment,
5 medical services and supplies, and emergency prepared-
6 ness: *Provided*, That such amount is designated by the
7 Congress as being for an emergency requirement pursuant
8 to section 251(b)(2)(A)(i) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985.

10 STATE AND LOCAL LAW ENFORCEMENT ACTIVITIES

11 OFFICE ON VIOLENCE AGAINST WOMEN

12 VIOLENCE AGAINST WOMEN PREVENTION AND

13 PROSECUTION PROGRAMS

14 For an additional amount for “Violence Against
15 Women Prevention and Prosecution Programs”,
16 \$300,000,000, to remain available until expended, of
17 which—

18 (1) \$100,000,000 is for grants to combat vio-
19 lence against women, as authorized by part T of the
20 Omnibus Crime Control and Safe Streets Acts of
21 1968;

22 (2) \$25,000,000 is for transitional housing as-
23 sistance grants for victims of domestic violence, dat-
24 ing violence, stalking, or sexual assault as authorized

1 by section 40299 of the Violent Crime Control and
2 Law Enforcement Act of 1994 (“1994 Act”);

3 (3) \$100,000,000 is for sexual assault victims
4 assistance, as authorized by section 41601 of the
5 1994 Act;

6 (4) \$25,000,000 is for rural domestic violence
7 and child abuse enforcement assistance grants, as
8 authorized by section 40295 of the 1994 Act;

9 (5) \$25,000,000 is for legal assistance for vic-
10 tims, as authorized by section 1201 of the Victims
11 of Trafficking and Violence Protection Act of 2000
12 (Public Law 106–386; “2000 Act”); and

13 (6) \$25,000,000 is for grants to support fami-
14 lies in the justice system, as authorized by section
15 1301 of the 2000 Act:

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

20 STATE AND LOCAL LAW ENFORCEMENT ASSISTANCE

21 For an additional amount for “State and Local Law
22 Enforcement Assistance”, \$1,000,000,000, to remain
23 available until September 30, 2021, to prevent, prepare
24 for, and respond to coronavirus, including for the purchase
25 of personal protective equipment, for the Edward Byrne

1 Memorial Justice Assistance Grant program as authorized
2 by subpart 1 of part E of title I of the Omnibus Crime
3 Control and Safe Streets Acts of 1968 (“1968 Act”), (ex-
4 cept that the allocation provisions under sections 505(a)
5 through (e) and the special rules for Puerto Rico under
6 section 505(g), and section 1001(c), of the 1968 Act, shall
7 not apply for purposes of this Act), to be distributed in
8 relative proportion to fiscal year 2016 allocations: *Pro-*
9 *vided*, That awards made using amounts provided in this
10 paragraph shall be made only with the same requirements,
11 conditions, compliance, and certification as fiscal year
12 2016: *Provided further*, That such amount is designated
13 by the Congress as being for an emergency requirement
14 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
15 et and Emergency Deficit Control Act of 1985.

16 JUVENILE JUSTICE PROGRAMS

17 For an additional amount for “Juvenile Justice Pro-
18 grams”, \$100,000,000, to remain available until Sep-
19 tember 30, 2021, to prevent, prepare for, and respond to
20 coronavirus, of which \$75,000,000 shall be for programs
21 authorized by section 221 of the Juvenile Justice and De-
22 linquency Prevention Act of 1974 (“the 1974 Act”), and
23 \$25,000,000 for delinquency prevention, as authorized by
24 section 261 of the 1974 Act: *Provided*, That such amount
25 is designated by the Congress as being for an emergency

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

4 SCIENCE

5 NATIONAL AERONAUTICS AND SPACE ADMINISTRATION
6 SAFETY, SECURITY AND MISSION SERVICES

7 For an additional amount for “Safety, Security and
8 Mission Services”, \$100,000,000, to remain available until
9 September 30, 2021, to prevent, prepare for, and respond
10 to coronavirus: *Provided*, That such amount is designated
11 by the Congress as being for an emergency requirement
12 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
13 et and Emergency Deficit Control Act of 1985.

14 CONSTRUCTION AND ENVIRONMENTAL COMPLIANCE AND
15 RESTORATION

16 For an additional amount for “Construction and En-
17 vironmental Compliance and Restoration”, \$100,000,000,
18 to remain available until September 30, 2021, to prevent,
19 prepare for, and respond to coronavirus: *Provided*, That
20 such amount is designated by the Congress as being for
21 an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 NATIONAL SCIENCE FOUNDATION
2 RESEARCH AND RELATED ACTIVITIES

3 For an additional amount for “Research and Related
4 Activities”, \$100,000,000, to remain available until Sep-
5 tember 30, 2021, to prevent, prepare for, and respond to
6 coronavirus, domestically and internationally, including to
7 fund research grants and other necessary expenses: *Pro-*
8 *vided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 AGENCY OPERATIONS AND AWARD MANAGEMENT

13 For an additional amount for “Agency Operations
14 and Award Management”, \$2,000,000, to prevent, pre-
15 pare for, and respond to coronavirus, domestically and
16 internationally, including to administer research grants
17 and other necessary expenses: *Provided*, That such
18 amount is designated by the Congress as being for an
19 emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

1 RELATED AGENCIES

2 LEGAL SERVICES CORPORATION

3 PAYMENT TO THE LEGAL SERVICES CORPORATION

4 For an additional amount for “Payment to the Legal
5 Services Corporation” to carry out the purposes of the
6 Legal Services Corporation Act by providing for necessary
7 expenses to prevent, prepare for, and respond to
8 coronavirus, \$100,000,000, to remain available until Sep-
9 tember 30, 2021: *Provided*, That none of the funds appro-
10 priated in this Act to the Legal Services Corporation shall
11 be expended for any purpose prohibited or limited by, or
12 contrary to any of the provisions of, sections 501, 502,
13 503, 504, 505, and 506 of Public Law 105–119, and all
14 funds appropriated in this Act to the Legal Services Cor-
15 poration shall be subject to the same terms and conditions
16 set forth in such sections, except that all references in sec-
17 tions 502 and 503 to 1997 and 1998 shall be deemed to
18 refer instead to 2020 and 2021, respectively, and except
19 that sections 501 and 503 of Public Law 104–134 (ref-
20 erenced by Public Law 105–119) shall not apply to the
21 amount made available under this heading: *Provided fur-*
22 *ther*, That for the purposes of this Act, the Legal Services
23 Corporation shall be considered an agency of the United
24 States Government: *Provided further*, That such amount
25 is designated by the Congress as being for an emergency

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

4 GENERAL PROVISIONS—THIS TITLE

5 SEC. 10201. (a) Amounts provided by the Depart-
6 ment of Commerce Appropriations Act, 2020, for the Hol-
7 lings Manufacturing Extension Partnership under the
8 heading “National Institute of Standards and Tech-
9 nology—Industrial Technology Services” shall not be sub-
10 ject to cost share requirements under 15 U.S.C.
11 278k(e)(2).

12 (b) Subsection (a) shall not apply to the extent that
13 a Manufacturing Extension Partnership Center receives
14 funding from a State that is conditioned upon the applica-
15 tion of a Federal cost sharing requirement to the Center.

16 SEC. 10202. (a) Funds appropriated in this title for
17 the National Science Foundation may be made available
18 to restore amounts, either directly or through reimburse-
19 ment, for obligations incurred by the National Science
20 Foundation for research grants and other necessary ex-
21 penses to prevent, prepare for, and respond to
22 coronavirus, domestically or internationally, prior to the
23 date of enactment of this Act.

24 (b) Grants or cooperative agreements made by the
25 National Science Foundation under this title, to carry out

1 research grants and other necessary expenses to prevent,
2 prepare for, and respond to coronavirus, domestically or
3 internationally, shall include amounts to reimburse costs
4 for these purposes incurred between January 20, 2020,
5 and the date of issuance of such grants or agreements.

6 SEC. 10203. (a)(1) Section 110(b)(2)(C) of the Fam-
7 ily and Medical Leave Act of 1993 (as added by division
8 C of the Families First Coronavirus Response Act) and
9 section 5110(5)(C) of the Families First Coronavirus Re-
10 sponse Act (relating to varying schedule hours calculation)
11 shall not apply to the Bureau of the Census regarding any
12 employee hired pursuant to section 23(e) of title 13,
13 United States Code.

14 (2) Any such employee shall be entitled to 40
15 hours of paid leave under division E of the Families
16 First Coronavirus Response Act.

17 (b) With respect to any temporary employee of the
18 Bureau of the Census, including any employee hired pur-
19 suant to section 23(e) of title 13, United States Code, the
20 Bureau may classify any leave provided by the Bureau
21 pursuant to the amendments made by division C of the
22 Families First Coronavirus Response Act or division E of
23 such Act to such an employee (based on such employee's
24 status as an employee of the Bureau) as any leave cat-

1 egory necessary to comport with the Bureau's leave sys-
2 tem.

3 SEC. 10204. Notwithstanding any other provision of
4 law, funds made available under each heading in this title
5 shall only be used for the purposes specifically described
6 under that heading.

7 TITLE III—DEPARTMENT OF DEFENSE

8 DEPARTMENT OF DEFENSE

9 MILITARY PERSONNEL

10 MILITARY PERSONNEL, ARMY

11 For an additional amount for Military Personnel,
12 Army, \$37,900,000, for necessary expenses to prevent,
13 prepare for, and respond to coronavirus: *Provided*, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 MILITARY PERSONNEL, NAVY

19 For an additional amount for Military Personnel,
20 Navy, \$37,900,000, for necessary expenses to prevent,
21 prepare for, and respond to coronavirus: *Provided*, That
22 such amount is designated by the Congress as being for
23 an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 MILITARY PERSONNEL, MARINE CORPS

2 For an additional amount for Military Personnel, Ma-
3 rine Corps, \$9,900,000, for necessary expenses to prevent,
4 prepare for, and respond to coronavirus: *Provided*, That
5 such amount is designated by the Congress as being for
6 an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 MILITARY PERSONNEL, AIR FORCE

10 For an additional amount for Military Personnel, Air
11 Force, \$37,900,000, for necessary expenses to prevent,
12 prepare for, and respond to coronavirus: *Provided*, That
13 such amount is designated by the Congress as being for
14 an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 NATIONAL GUARD PERSONNEL, ARMY

18 For an additional amount for National Guard Per-
19 sonnel, Army, \$804,529,000, for necessary expenses to
20 prevent, prepare for, and respond to coronavirus: *Pro-*
21 *vided*, That such amount is designated by the Congress
22 as being for an emergency requirement pursuant to sec-
23 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
24 gency Deficit Control Act of 1985.

1 NATIONAL GUARD PERSONNEL, AIR FORCE

2 For an additional amount for National Guard Per-
3 sonnel, Air Force, \$402,063,000, for necessary expenses
4 to prevent, prepare for, and respond to coronavirus: *Pro-*
5 *vided*, That such amount is designated by the Congress
6 as being for an emergency requirement pursuant to sec-
7 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
8 gency Deficit Control Act of 1985.

9 OPERATION AND MAINTENANCE

10 OPERATION AND MAINTENANCE, ARMY

11 For an additional amount for “Operation and Main-
12 tenance, Army”, \$105,300,000, to remain available until
13 September 30, 2021, to prevent, prepare for, and respond
14 to coronavirus: *Provided*, That such amount is designated
15 by the Congress as being for an emergency requirement
16 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
17 et and Emergency Deficit Control Act of 1985.

18 OPERATION AND MAINTENANCE, NAVY

19 For an additional amount for “Operation and Main-
20 tenance, Navy”, \$568,408,000, to remain available until
21 September 30, 2021, to prevent, prepare for, and respond
22 to coronavirus: *Provided*, That such amount is designated
23 by the Congress as being for an emergency requirement
24 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
25 et and Emergency Deficit Control Act of 1985.

1 OPERATION AND MAINTENANCE, MARINE CORPS

2 For an additional amount for “Operation and Main-
3 tenance, Marine Corps”, \$70,000,000, to remain available
4 until September 30, 2021, to prevent, prepare for, and re-
5 spond to coronavirus: *Provided*, That such amount is des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985.

9 OPERATION AND MAINTENANCE, AIR FORCE

10 For an additional amount for “Operation and Main-
11 tenance, Air Force”, \$154,000,000, to remain available
12 until September 30, 2021, to prevent, prepare for, and re-
13 spond to coronavirus: *Provided*, That such amount is des-
14 ignated by the Congress as being for an emergency re-
15 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
16 anced Budget and Emergency Deficit Control Act of 1985.

17 OPERATION AND MAINTENANCE, DEFENSE-WIDE

18 For an additional amount for “Operation and Main-
19 tenance, Defense-Wide”, \$927,800,000, to remain avail-
20 able until September 30, 2021, to prevent, prepare for,
21 and respond to coronavirus: *Provided*, That such amount
22 is designated by the Congress as being for an emergency
23 requirement pursuant to section 251(b)(2)(A)(i) of the
24 Balanced Budget and Emergency Deficit Control Act of
25 1985.

1 OPERATION AND MAINTENANCE, ARMY RESERVE

2 For an additional amount for “Operation and Main-
3 tenance, Army Reserve”, \$48,000,000, to remain available
4 until September 30, 2021, to prevent, prepare for, and re-
5 spond to coronavirus: *Provided*, That such amount is des-
6 ignated by the Congress as being for an emergency re-
7 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985.

9 OPERATION AND MAINTENANCE, ARMY NATIONAL GUARD

10 For an additional amount for “Operation and Main-
11 tenance, Army National Guard”, \$194,002,000, to remain
12 available until September 30, 2021, to prevent, prepare
13 for, and respond to coronavirus: *Provided*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 OPERATION AND MAINTENANCE, AIR NATIONAL GUARD

19 For an additional amount for “Operation and Main-
20 tenance, Air National Guard”, \$79,406,000, to remain
21 available until September 30, 2021, to prevent, prepare
22 for, and respond to coronavirus: *Provided*, That such
23 amount is designated by the Congress as being for an
24 emergency requirement pursuant to section

1 main available for obligation until September 30, 2021,
2 shall be for research, development, test and evaluation:
3 *Provided*, That such amount is designated by the Congress
4 as being for an emergency requirement pursuant to sec-
5 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
6 gency Deficit Control Act of 1985.

7 GENERAL PROVISIONS—THIS TITLE

8 SEC. 10301. Notwithstanding any other provision of
9 law, funds made available under each heading in this title
10 shall only be used for the purposes specifically described
11 under that heading.

12 SEC. 10302. Upon the determination of the Secretary
13 of Defense that such action is necessary in the national
14 interest, the Secretary may transfer up to \$500,000,000
15 between the appropriations or funds made available to the
16 Department of Defense for expenses relating to the use
17 of the National Guard in response to coronavirus: *Pro-*
18 *vided*, That such funds may only be transferred among
19 military personnel and operation and maintenance ac-
20 counts for the National Guard provided for in this title:
21 *Provided further*, That the Secretary shall notify the Con-
22 gress promptly of each transfer made pursuant to the au-
23 thority in this section: *Provided further*, That the authority
24 provided in this section is in addition to any other transfer
25 authority available to the Department of Defense and is

1 subject to the same terms and conditions as the authority
2 provided in section 8005 of the Department of Defense
3 Appropriations Act, 2020: *Provided further*, That the
4 transfer authority in sections 8005 and 9002 of the De-
5 partment of Defense Appropriations Act, 2020, shall not
6 apply to amounts appropriated or otherwise made avail-
7 able in this title.

8 SEC. 10303. Notwithstanding section 2208(1)(3) of
9 title 10, United States Code, during fiscal year 2020, the
10 amount of advance billings rendered or imposed by De-
11 fense working capital funds may exceed \$1,000,000,000.
12 In the preceding sentence, the term “advance billing” has
13 the meaning given the term in section 2208(1)(4) of such
14 title.

15 TITLE IV—ENERGY AND WATER

16 DEVELOPMENT AND RELATED AGENCIES

17 CORPS OF ENGINEERS—CIVIL

18 DEPARTMENT OF THE ARMY

19 CORPS OF ENGINEERS—CIVIL

20 OPERATION AND MAINTENANCE

21 For an additional amount for “Operation and Main-
22 tenance”, \$50,000,000, to remain available until Sep-
23 tember 30, 2021, to prevent, prepare for, and respond to
24 coronavirus: *Provided*, That such amount is designated by
25 the Congress as being for an emergency requirement pur-

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

3 EXPENSES

4 For an additional amount for “Expenses”,
5 \$20,000,000, to remain available until September 30,
6 2021, to prevent, prepare for, and respond to coronavirus:
7 *Provided*, That such amount is designated by the Congress
8 as being for an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 DEPARTMENT OF THE INTERIOR

12 BUREAU OF RECLAMATION

13 WATER AND RELATED RESOURCES

14 (INCLUDING TRANSFER OF FUNDS)

15 For an additional amount for “Water and Related
16 Resources”, \$12,500,000, to remain available until Sep-
17 tember 30, 2021, to prevent, prepare for, and respond to
18 coronavirus: *Provided*, That \$500,000 of the funds pro-
19 vided under this paragraph shall be transferred to the
20 Central Utah Project Completion Account to prevent, pre-
21 pare for, and respond to coronavirus: *Provided further*,
22 That such amount is designated by the Congress as being
23 for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

1 POLICY AND ADMINISTRATION

2 For an additional amount for “Policy and Adminis-
3 tration”, \$8,100,000, to remain available until September
4 30, 2021, for necessary expenses to prevent, prepare for,
5 and respond to coronavirus: *Provided*, That such amount
6 is designated by the Congress as being for an emergency
7 requirement pursuant to section 251(b)(2)(A)(i) of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985.

10 DEPARTMENT OF ENERGY

11 ENERGY PROGRAMS

12 SCIENCE

13 For an additional amount for “Science”,
14 \$99,500,000, to remain available until September 30,
15 2021, to prevent, prepare for, and respond to coronavirus,
16 for necessary expenses related to providing support and
17 access to scientific user facilities in the Office of Science,
18 including equipment, enabling technologies, and personnel
19 associated with the operations of those scientific user fa-
20 cilities: *Provided*, That such amount is designated by the
21 Congress as being for an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

1 DEPARTMENTAL ADMINISTRATION
2 (INCLUDING TRANSFER OF FUNDS)

3 For an additional amount for “Departmental Admin-
4 istration”, \$28,000,000, to remain available until Sep-
5 tember 30, 2021, for necessary expenses related to sup-
6 porting remote access for personnel to prevent, prepare
7 for, and respond to coronavirus: *Provided*, That funds ap-
8 propriated under this paragraph in this Act may be trans-
9 ferred to, and merged with, other appropriation accounts
10 of the Department of Energy for necessary expenses re-
11 lated to supporting remote access for personnel to prevent,
12 prepare for, and respond to coronavirus: *Provided further*,
13 That such amount is designated by the Congress as being
14 for an emergency requirement pursuant to section
15 251(b)(2)(A)(i) of the Balanced Budget and Emergency
16 Deficit Control Act of 1985.

17 INDEPENDENT AGENCIES
18 NUCLEAR REGULATORY COMMISSION
19 SALARIES AND EXPENSES

20 For an additional amount for “Salaries and Ex-
21 penses”, \$3,300,000, to remain available until September
22 30, 2021, to prevent, prepare for, and respond to
23 coronavirus: *Provided*, That the amount provided in this
24 paragraph shall not be derived from fee revenues notwith-
25 standing 42 U.S.C. 2214: *Provided further*, That such

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

5 GENERAL PROVISIONS—THIS TITLE

6 SEC. 10401. Notwithstanding any other provision of
7 law, funds made available under each heading in this title
8 shall only be used for the purposes specifically described
9 under that heading.

10 SEC. 10402. Funds appropriated in this title may be
11 made available to restore amounts, either directly or
12 through reimbursement, for obligations incurred for the
13 same purposes to prevent, prepare for, and respond to
14 coronavirus prior to the date of enactment of this Act.

15 SEC. 10403. Notwithstanding any other provision of
16 law, and subject to the availability of appropriations, the
17 Secretary of Energy, or designee, may include in or modify
18 the terms and conditions of any Department of Energy
19 contract, or other agreement, to authorize the Department
20 to reimburse any contractor paid leave the contractor pro-
21 vides to its employees as the Secretary deems necessary
22 to ensure the effective response to a declared national
23 emergency or pandemic event. Such authority shall apply
24 only to a contractor whose employees cannot perform work
25 on a federally owned or leased facility or site due to Fed-

1 eral Government directed closures or other restrictions,
2 and who cannot telework because their job duties cannot
3 be performed remotely. As determined by the Secretary,
4 or designee, this authority also shall apply to subcontractors:
5 *Provided*, That amounts provided by this section are
6 designated by the Congress as being for an emergency requirement
7 pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 TITLE V—FINANCIAL SERVICES AND GENERAL
10 GOVERNMENT

11 DEPARTMENT OF THE TREASURY

12 DEPARTMENTAL OFFICES

13 SALARIES AND EXPENSES

14 For an additional amount for “Salaries and Expenses”,
15 \$100,000,000 to remain available until expended,
16 for the necessary expenses to establish and support a
17 Coronavirus Accountability and Transparency Committee
18 to conduct oversight of funds provided in this Act in order
19 to monitor spending, provide transparency to the public,
20 and help prevent fraud, waste, and abuse: *Provided*, That
21 not less frequently than monthly, and until all such funds
22 are expended, the Secretary of the Treasury shall publish
23 on a dedicated portion of the website established under
24 section 2 of the Federal Funding Accountability and
25 Transparency Act of 2006 (31 U.S.C. 6101 note), for any

1 funds made available to or expended by a Federal agency
2 or component of a Federal agency that were provided in
3 Public Law 116–123, Public Law 116–127, or in the Take
4 Responsibility for Workers and Families Act—

5 (1) for each appropriations account, including
6 an expired or unexpired appropriations account, the
7 amount—

8 (A) of budget authority appropriated;

9 (B) that is obligated;

10 (C) of unobligated balances; and

11 (D) of any other budgetary resources;

12 (2) from which accounts and in what amount—

13 (A) appropriations are obligated for each
14 program activity; and

15 (B) outlays are made for each program ac-
16 tivity;

17 (3) from which accounts and in what amount—

18 (A) appropriations are obligated for each
19 object class; and

20 (B) outlays are made for each object class;
21 and

22 (4) for each program activity, the amount—

23 (A) obligated for each object class; and

24 (B) of outlays made for each object class.

1 *Provided further*, That the information required to
2 be published pursuant to the preceding proviso shall
3 be published in such a format that allows such infor-
4 mation to be sorted by the public law that provided
5 the relevant obligational authority: *Provided further*,
6 That such amounts are designated by the Congress
7 as being for an emergency requirement pursuant to
8 section 251(b)(2)(A)(i) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985.

10 COMMUNITY DEVELOPMENT FINANCIAL INSTITUTIONS

11 FUND PROGRAM ACCOUNT

12 For an additional amount for “Community Develop-
13 ment Financial Institutions Fund Program Account”,
14 \$200,000,000, to remain available until September 30,
15 2020, to promote economic recovery due to the impact of
16 coronavirus through financial assistance and technical as-
17 sistance under subparagraphs (A) and (B) of section
18 108(a)(1), respectively, of Public Law 103–325 (12
19 U.S.C. 4707(a)(1)(A) and (B)), except that subsections
20 (d) and (e) of section 108 of Public Law 103–325 shall
21 not apply to the provision of such financial assistance and
22 technical assistance: *Provided*, That up to \$10,000,000
23 may be transferred to and merged with “Administrative
24 Expenses” for administrative expenses to carry out finan-
25 cial assistance and technical assistance: *Provided further*,

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

5 INTERNAL REVENUE SERVICE

6 TAXPAYER SERVICES

7 For an additional amount for “Taxpayer Services”,
8 \$236,000,000, to remain available until September 30,
9 2021, to prevent, prepare for, and respond to coronavirus:
10 *Provided*, That not later than 30 days after the date of
11 the enactment of this Act, the Commissioner of the Inter-
12 nal Revenue Service shall submit to the Committees on
13 Appropriations of the House of Representatives and the
14 Senate a spend plan for such funds: *Provided further*, That
15 such amounts are designated by the Congress as being for
16 an emergency requirement pursuant to section
17 251(b)(2)(A)(i) of the Balanced Budget and Emergency
18 Deficit Control Act of 1985.

19 ENFORCEMENT

20 For an additional amount for “Enforcement”,
21 \$42,000,000, to remain available until September 30,
22 2021, to prevent, prepare for, and respond to coronavirus:
23 *Provided*, That not later than 30 days after the date of
24 the enactment of this Act, the Commissioner of the Inter-
25 nal Revenue Service shall submit to the Committees on

1 Appropriations of the House of Representatives and the
2 Senate a spend plan for such funds: *Provided further*, That
3 such amounts are designated by the Congress as being for
4 an emergency requirement pursuant to section
5 251(b)(2)(A)(i) of the Balanced Budget and Emergency
6 Deficit Control Act of 1985.

7
8 OPERATIONS SUPPORT

8 For an additional amount for “Operations Support”,
9 \$324,000,000, to remain available until September 30,
10 2021, to prevent, prepare for, and respond to coronavirus:
11 *Provided*, That not later than 30 days after the date of
12 the enactment of this Act, the Commissioner of the Inter-
13 nal Revenue Service shall submit to the Committees on
14 Appropriations of the House of Representatives and the
15 Senate a spend plan for such funds: *Provided further*, That
16 such amount is designated by the Congress as being for
17 an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 ADMINISTRATIVE PROVISIONS—INTERNAL REVENUE

21 SERVICE

22 (INCLUDING TRANSFER OF FUNDS)

23 SEC. 10501. In addition to the authority provided in
24 section 101 of title I of division C of Public Law 116–
25 93, the funds provided to the Internal Revenue Service

1 in this Act may be transferred among accounts of the In-
2 ternal Revenue Service to prevent, prepare for, and re-
3 spond to coronavirus. On the date of any such transfer,
4 the Commissioner shall notify the Committees on Appro-
5 priations of the House of Representatives and Senate of
6 such transfer.

7 THE JUDICIARY

8 THE SUPREME COURT OF THE UNITED STATES

9 SALARIES AND EXPENSES

10 For an additional amount for “Salaries and Ex-
11 penses”, \$500,000, to remain available until September
12 30, 2020, for necessary expenses to prevent, prepare for,
13 and respond to coronavirus: *Provided*, That such amount
14 is designated by the Congress as being for an emergency
15 requirement pursuant to section 251(b)(2)(A)(i) of the
16 Balanced Budget and Emergency Deficit Control Act of
17 1985.

18 COURTS OF APPEALS, DISTRICT COURTS, AND OTHER

19 JUDICIAL SERVICES

20 SALARIES AND EXPENSES

21 For an additional amount for “Salaries and Ex-
22 penses”, \$6,000,000 to remain available until September
23 30, 2020, for necessary expenses to prevent, prepare for,
24 and respond to coronavirus: *Provided*, That such amount
25 is designated by the Congress as being for an emergency

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

4 DEFENDER SERVICES

5 For an additional amount for “Defender Services”,
6 \$1,000,000, to remain available until September 30, 2020,
7 to prevent, prepare for, and respond to coronavirus: *Pro-*
8 *vided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 DISTRICT OF COLUMBIA

13 FEDERAL FUNDS

14 FEDERAL PAYMENT FOR EMERGENCY PLANNING AND
15 SECURITY COSTS IN THE DISTRICT OF COLUMBIA

16 For an additional amount for the “Federal Payment
17 for Emergency Planning and Security Costs in the Dis-
18 trict of Columbia” for the Federal payment of necessary
19 expenses, as determined by the Mayor of the District of
20 Columbia in written consultation with the elected county
21 or city officials of surrounding jurisdictions, \$11,000,000,
22 to remain available until September 30, 2020, to prevent,
23 prepare for, and respond to coronavirus: *Provided*, That
24 such amounts are designated by the Congress as being for
25 an emergency requirement pursuant to section

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

3 INDEPENDENT AGENCIES

4 ELECTION ASSISTANCE COMMISSIONS

5 SALARIES AND EXPENSES

6 For an additional amount for “Salaries and Ex-
7 penses”, \$5,000,000, to assist States with contingency
8 planning, preparation, and resilience of elections for Fed-
9 eral office: *Provided*, That such amount is designated by
10 the Congress as being for an emergency requirement pur-
11 suant to section 251(b)(2)(A)(i) of the Balanced Budget
12 and Emergency Deficit Control Act of 1985.

13 ELECTION ADMINISTRATION GRANTS

14 For an additional amount for payments by the Elec-
15 tion Assistance Commission to States for contingency
16 planning, preparation, and resilience of elections for Fed-
17 eral office, \$4,000,000,000 to remain available until Sep-
18 tember 30, 2021: *Provided*, That under this heading the
19 term “State” means each of the 50 States, the District
20 of Columbia, the Commonwealth of Puerto Rico, Guam,
21 American Samoa, the United States Virgin Islands, and
22 the Commonwealth of the Northern Mariana Islands: *Pro-*
23 *vided further*, That the amount of the payments made to
24 a State under this heading shall be consistent with section
25 103 of the Help America Vote Act of 2002 (52 U.S.C.

1 20903): *Provided further*, That for the purposes of the
2 preceding proviso, each reference to “\$5,000,000” in sec-
3 tion 103 shall be deemed to refer to “\$7,500,000”: *Pro-*
4 *vided further*, That not less than 50 percent of the amount
5 of the payment made to a State under this heading shall
6 be allocated in cash or in kind to the units of local govern-
7 ment which are responsible for the administration of elec-
8 tions for Federal office in the State: *Provided further*,
9 That such amount is designated by the Congress as being
10 for an emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 FEDERAL COMMUNICATIONS COMMISSION

14 SALARIES AND EXPENSES

15 For an additional amount for “Salaries and Ex-
16 penses”, \$200,000,000, to remain available until Sep-
17 tember 30, 2020, to prevent, prepare for, and respond to
18 coronavirus by providing to health care providers tele-
19 communications services, information services, and devices
20 necessary to enable the provision of telehealth services
21 during an emergency period, as defined in section
22 1135(g)(1) of the Social Security Act (42 U.S.C. 1320b-
23 5(g)(1)): *Provided*, That the Federal Communications
24 Commission may rely on the rules of the Commission
25 under part 54 of title 47, Code of Federal Regulations,

1 able until September 30, 2021: *Provided*, That such
2 amount is designated by the Congress as being for an
3 emergency requirement pursuant to section
4 251(b)(2)(A)(i) of the Balanced Budget and Emergency
5 Deficit Control Act of 1985.

6 GENERAL SERVICES ADMINISTRATION

7 REAL PROPERTY ACTIVITIES

8 FEDERAL BUILDINGS FUND

9 BUILDING OPERATIONS

10 For an additional amount, to be deposited in the
11 “Federal Buildings Fund”, \$275,000,000, to remain
12 available until expended, to prevent, prepare for, and re-
13 spond to coronavirus: *Provided*, That such funds may be
14 used to reimburse costs incurred for the purposes provided
15 under this heading: *Provided further*, That amounts made
16 available under this heading shall be in addition to any
17 other amounts available for such purposes: *Provided fur-*
18 *ther*, That such amount is designated by the Congress as
19 being for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 TECHNOLOGY MODERNIZATION FUND

23 For an additional amount for the “Technology Mod-
24 ernization Fund”, \$3,000,000,000, to remain available
25 until September 20, 2022, for technology-related mod-

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

6 OFFICE OF PERSONNEL MANAGEMENT

7 SALARIES AND EXPENSES

8 For an additional amount for “Salaries and Ex-
9 penses”, \$12,100,000, to prevent, prepare for, and re-
10 spond to coronavirus: *Provided*, That such amount is des-
11 ignated by the Congress as being for an emergency re-
12 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
13 anced Budget and Emergency Deficit Control Act of 1985.

14 SMALL BUSINESS ADMINISTRATION

15 ECONOMIC INJURY GRANTS

16 For an additional amount for the cost of providing
17 economic recovery grants for small businesses impacted by
18 coronavirus as authorized by section 190009 of the Take
19 Responsibility for Workers and Families Act,
20 \$100,000,000,000, to remain available until September
21 30, 2021: *Provided*, That such amount is designated by
22 the Congress as being for an emergency requirement pur-
23 suant to section 251(b)(2)(A)(i) of the Balanced Budget
24 and Emergency Deficit Control Act of 1985.

1 DISASTER LOANS PROGRAM ACCOUNT

2 For an additional amount for the “Disaster Loans
3 Program Account” for the cost of direct loans authorized
4 by section 7(b) of the Small Business Act, including to
5 carry out the requirements of section 190016 of the Take
6 Responsibility for Workers and Families Act (relating to
7 economic injury disaster loan improvements),
8 \$25,739,000,000, to remain available until expended: *Pro-*
9 *vided*, That up to \$739,000,000 may be transferred to and
10 merged with “Small Business Administration—Salaries
11 and Expenses”: *Provided further*, That for purposes of sec-
12 tion 7(b)(2)(D) of the Small Business Act, coronavirus
13 shall be deemed to be a disaster and amounts available
14 under “Disaster Loans Program Account” for the cost of
15 direct loans in any fiscal year may be used to make eco-
16 nomic injury disaster loans under such section in response
17 to the coronavirus: *Provided further*, That none of the
18 funds provided under this heading in this Act may be used
19 for indirect administrative expenses: *Provided further*,
20 That such amount is designated by the Congress as being
21 for an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985: *Provided further*, That
24 amounts repurposed under this heading that were pre-
25 viously designated by the Congress as an emergency re-

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

6 SMALL BUSINESS DEBT RELIEF

7 For an additional amount for the cost of loan debt
8 relief as authorized by section 190011 of the Take Re-
9 sponsibility for Workers and Families Act,
10 \$16,800,000,000 to remain available until September 30,
11 2021: *Provided*, That such amount is designated by the
12 Congress as being for an emergency requirement pursuant
13 to section 251(b)(2)(A)(i) of the Balanced Budget and
14 Emergency Deficit Control Act of 1985.

15 BUSINESS LOANS PROGRAM ACCOUNT

16 For an additional amount for “Business Loans Pro-
17 gram Account”, for the cost of direct loans and loan guar-
18 antees, \$304,407,000,000, to remain available until ex-
19 pended, of which \$7,000,000 shall be for the cost of direct
20 loans, \$299,400,000,000 shall be for the cost of payroll
21 protection loans as authorized by section 190002(a) of the
22 Take Responsibility for Workers and Families Act, and
23 \$5,000,000,000 shall be for the cost of guaranteed loans
24 under section 503 of the Small Business Investment Act
25 of 1958 and section 7(a) of the Small Business Act, in-

1 cluding to carry out the requirements of section 190012
2 (relating to temporary fee reductions), section 190013 (re-
3 lating to guarantee amounts), and section 190014 (relat-
4 ing to maximum loan amount and program levels for 7(a)
5 loans) of the Take Responsibility for Workers and Fami-
6 lies Act: *Provided further*, That for the period of fiscal
7 years 2020 through 2021, guarantees of trust certificates
8 authorized by section 5(g) of the Small Business Act shall
9 not exceed a principal amount of \$60,000,000,000: *Pro-*
10 *vided*, That for the period of fiscal years 2020 through
11 2021, commitments for general business loans authorized
12 under section 7(a) of the Small Business Act shall not
13 exceed \$75,000,000,000: *Provided further*, That amounts
14 provide in this paragraph for the cost of guaranteed loans
15 under section 7(a) of the Small Business Act are in addi-
16 tion to amounts otherwise available for the same purposes:
17 *Provided further*, That notwithstanding any other provi-
18 sion of law, no amounts made available under this heading
19 shall be available for transfer to another budget account:
20 *Provided further*, That such amount is designated by the
21 Congress as being for an emergency requirement pursuant
22 to section 251(b)(2)(A)(i) of the Balanced Budget and
23 Emergency Deficit Control Act of 1985.

1 ENTREPRENEURIAL DEVELOPMENT PROGRAMS

2 For an additional amount for “Entrepreneurial De-
3 velopment Programs” as authorized under section 190003
4 of the Take Responsibility for Workers and Families Act,
5 \$265,000,000, to remain available until September 30,
6 2021, of which \$240,000,000 shall be for grants to small
7 business development centers: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 OFFICE OF INSPECTOR GENERAL

13 For an additional amount for “Office of Inspector
14 General” for carrying out the provisions of the Inspector
15 General Act of 1978, \$25,000,000, to remain available
16 until expended, for oversight and audit of programs,
17 grants, and projects funded under this title: *Provided*,
18 That such amount is designated by the Congress as being
19 for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

22 SALARIES AND EXPENSES

23 For an additional amount for “Salaries and Ex-
24 penses”, \$775,000,000, to remain available until Sep-
25 tember 30, 2021, of which \$50,000,000 shall be for mar-

1 keting, management, and technical assistance under sec-
2 tion 7(m) of the Small Business Act (15 U.S.C.
3 636(m)(4)) by intermediaries that make microloans under
4 the microloan program, and of which \$25,000,000 shall
5 be for resources and services in languages other than
6 English, as authorized in section 190010 of the Take Re-
7 sponsibility for Workers and Families Act: *Provided*, That
8 such amount is designated by the Congress as being for
9 an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 ADMINISTRATIVE PROVISION—SMALL BUSINESS

13 ADMINISTRATION

14 SEC. 10502. Notwithstanding section 7(b)(2)(D) of
15 the Small Business Act, the Small Business Administra-
16 tion shall issue a disaster declaration for each State and
17 territory for coronavirus.

18 UNITED STATES POSTAL SERVICE

19 PAYMENT TO POSTAL SERVICE FUND

20 For payment to the “Postal Service Fund”, for rev-
21 enue forgone due to the coronavirus pandemic,
22 \$25,000,000,000, to remain available until September 30,
23 2022: *Provided*, That such amount is designated by the
24 Congress as being for an emergency requirement pursuant

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

3 GENERAL PROVISION—THIS TITLE

4 SEC. 10503. Notwithstanding any other provision of
5 law, funds made available under each heading in this title
6 shall only be used for the purposes specifically described
7 under that heading.

8 TITLE VI

9 DEPARTMENT OF HOMELAND SECURITY

10 MANAGEMENT DIRECTORATE

11 OPERATIONS AND SUPPORT

12 For an additional amount for “Operations and Sup-
13 port”, \$178,000,000, for the purchase of personal protec-
14 tive equipment and related supplies for components of the
15 Department of Homeland Security to prevent, prepare for,
16 and respond to coronavirus: *Provided*, That such amount
17 is designated by the Congress as being for an emergency
18 requirement pursuant to section 251(b)(2)(A)(i) of the
19 Balanced Budget and Emergency Deficit Control Act of
20 1985.

21 TRANSPORTATION AND SECURITY ADMINISTRATION

22 OPERATIONS AND SUPPORT

23 For an additional amount for “Operations and Sup-
24 port”, \$100,000,000, to prevent, prepare for, and respond
25 to coronavirus; of which \$54,000,000 is for enhanced sani-

1 tation at airport security checkpoints; of which
2 \$26,000,000 is for overtime and travel costs for Transpor-
3 tation Security Officers; and of which \$20,000,000 is for
4 the purchase of explosive trace detection swabs: *Provided*,
5 That such amount is designated by the Congress as being
6 for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 COAST GUARD

10 OPERATIONS AND SUPPORT

11 For an additional amount for “Operations and Sup-
12 port”, \$141,000,000, to prevent, prepare for, and respond
13 to coronavirus through activation of Coast Guard Reserve
14 personnel under section 12302 of title 10, United States
15 Code and for purchases to increase the capability and ca-
16 pacity of information technology systems and infrastruc-
17 ture to support telework and remote access: *Provided*,
18 That such amount is designated by the Congress as being
19 for an emergency requirement pursuant to section
20 251(b)(2)(A)(i) of the Balanced Budget and Emergency
21 Deficit Control Act of 1985.

1 CYBERSECURITY AND INFRASTRUCTURE SECURITY
2 AGENCY
3 OPERATIONS AND SUPPORT

4 For an additional amount for “Operations and Sup-
5 port”, \$14,400,000, to prevent, prepare for, and respond
6 to coronavirus through interagency critical infrastructure
7 coordination and related activities: *Provided*, That such
8 amount is designated by the Congress as being for an
9 emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 FEDERAL EMERGENCY MANAGEMENT AGENCY
13 OPERATIONS AND SUPPORT

14 For an additional amount for “Operations and Sup-
15 port”, \$45,000,000, for facilities and information tech-
16 nology to prevent, prepare for, and respond to coronavirus:
17 *Provided*, That such amount is designated by the Congress
18 as being for an emergency requirement pursuant to sec-
19 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985.

21 FEDERAL ASSISTANCE

22 For an additional amount for “Federal Assistance”,
23 \$200,000,000, for the emergency food and shelter pro-
24 gram under title III of the McKinney-Vento Homeless As-
25 sistance Act (42 U.S.C. 11331 et seq.): *Provided*, That

1 notwithstanding sections 315 and 316(b) of such Act,
2 funds made available under this section shall be disbursed
3 by the Emergency Food and Shelter Program National
4 Board not later than 30 days after the date on which such
5 funds become available: *Provided further*, That such funds
6 may be used to reimburse jurisdictions or local recipient
7 organizations for costs incurred in providing services on
8 or after January 1, 2020: *Provided further*, That such
9 amount is designated by the Congress as being for an
10 emergency requirement pursuant to section
11 251(b)(2)(A)(i) of the Balanced Budget and Emergency
12 Deficit Control Act of 1985.

13 For an additional amount for “Federal Assistance”,
14 to supplement funds otherwise available for the “Assist-
15 ance to Firefighters Grants” \$100,000,000, to remain
16 available until September 30, 2021, for the purchase of
17 personal protective equipment and related supplies to pre-
18 vent, prepare for, and respond to coronavirus: *Provided*,
19 That such amount is designated by the Congress as being
20 for an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 DISASTER RELIEF FUND

24 For an additional amount for “Disaster Relief
25 Fund”, \$2,000,000,000, to remain available until ex-

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

5 GENERAL PROVISIONS—THIS TITLE

6 SEC. 10601. Notwithstanding any other provision of
7 law, funds made available under each heading in this title,
8 except for “Federal Emergency Management Agency—
9 Disaster Relief Fund”, shall only be used for the purposes
10 specifically described under that heading.

11 SEC. 10602. (a) Assistance provided under the emer-
12 gency declaration issued by the President on March 13,
13 2020, pursuant to section 501(b) of the Robert T. Staf-
14 ford Disaster Relief and Emergency Assistance Act (42
15 U.S.C. 5121–5207), and under any subsequent major dec-
16 laration under section 401 of such Act that supersedes
17 such emergency declaration, shall be at a 100 percent
18 Federal cost share.

19 (b) Amounts repurposed under this section that were
20 previously designated by the Congress, respectively, as an
21 emergency requirement or as being for disaster relief pur-
22 suant to the Balanced Budget and Emergency Deficit
23 Control Act are designated by the Congress as being for
24 an emergency requirement pursuant to section
25 251(b)(2)(A)(i) of the Balanced Budget and Emergency

1 Deficit Control Act of 1985 or as being for disaster relief
2 pursuant to section 251(b)(2)(D) of the Balanced Budget
3 and Emergency Deficit Control Act of 1985.

4 SEC. 10603. Notwithstanding any other provision of
5 law, any amounts appropriated for “Department of Home-
6 land Security—Federal Emergency Management Agen-
7 cy—Disaster Relief Fund” in this Act are available only
8 for the purposes for which they were appropriated.

9 SEC. 10604. (a) For calendar year 2020 and calendar
10 year 2021, any provision of law limiting the aggregate
11 amount of premium pay or overtime payable on a biweekly
12 or calendar year basis, or establishing an aggregate limita-
13 tion on pay, shall not apply to any premium pay or over-
14 time that is funded, either directly or through reimburse-
15 ment, by the “Federal Emergency Management Agency—
16 Disaster Relief Fund” related to an emergency or major
17 disaster declared in calendar year 2020.

18 (b) Pay exempted from otherwise applicable limits
19 under this section shall not cause the aggregate pay for
20 the calendar year to exceed the rate of basic pay payable
21 for a position at level II of the Executive Schedule under
22 section 5313 of title 5, United States Code.

23 (c) Notwithstanding any other provisions of law, an
24 Executive agency shall not be liable for damages, fees, in-
25 terests, or costs of any kind as a result of any delay occur-

1 ring prior to the date of enactment of this Act in payments
2 made pursuant to this section.

3 (d) This section shall take effect as if enacted on De-
4 cember 31, 2019.

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

15 SEC. 10605. The Secretary of Homeland Security,
16 under the authority granted under section 205(b) of the
17 REAL ID Act of 2005 (Public Law 109–13; 49 U.S.C.
18 30301 note) shall extend the deadline by which States are
19 required to meet the driver license and identification card
20 issuance requirements under section 202(a)(1) of such Act
21 until not earlier than September 30, 2021.

22 SEC. 10606. (a) For the emergency declared on
23 March 13, 2020, by the President under section 501 of
24 the Robert T. Stafford Disaster Relief and Emergency As-

1 assistance Act (42 U.S.C. 5191) the President may provide
2 assistance for—

3 (1) activities, costs, and purchases of State and local
4 jurisdictions including—

5 (A) activities eligible for assistance under sec-
6 tions 301, 415, 416, and 426 of the Robert T. Staf-
7 ford Disaster Relief and Emergency Assistance Act
8 (42 U.S.C. 5141, 5182, 5183, 5189d);

9 (B) backfill costs for first responders and other
10 essential employees who are ill or quarantined;

11 (C) increased operating costs for essential gov-
12 ernment services due to such emergency, including
13 costs for implementing continuity plans;

14 (D) costs of providing guidance and information
15 to the public and for call centers to disseminate such
16 guidance and information;

17 (E) costs associated with establishing virtual
18 services;

19 (F) costs for establishing and operating remote
20 test sites;

21 (G) training provided specifically in anticipation
22 of or in response to the event on which such emer-
23 gency declaration is predicated;

24 (H) personal protective equipment and other
25 critical supplies for first responders; and

1 (I) public health and medical supplies; and

2 (2) activities and costs of nonprofit organizations in-
3 cluding—

4 (A) operating and equipment costs for blood do-
5 nation activities, including personnel costs; and

6 (B) establishing and operating public call cen-
7 ters in support of government operations, including
8 personnel costs.

9 (b) The activities specified in subsection (a) may also
10 be eligible for assistance under any major disaster de-
11 clared by the President under section 401 of such Act that
12 supersedes the emergency declaration described in such
13 subsection.

14 (c) Nothing in this section shall be construed to make
15 ineligible any assistance that would otherwise be eligible
16 under section 502 of such Act.

17 SEC. 10607. (a) During the public health emergency
18 declared pursuant to section 319 of the Public Health
19 Service Act (42 U.S.C. 247d) with respect to the COVID-
20 19 pandemic, the Secretary of Homeland Security, Sec-
21 retary of State, Attorney General or Secretary of Labor,
22 as appropriate, shall temporarily suspend or modify any
23 procedural requirement with which an applicant, peti-
24 tioner, or other person or entity must otherwise comply
25 under the immigration laws, as defined in section

1 101(a)(17) of the Immigration and Nationality Act (8
2 U.S.C. 1101(a)(17)), or any regulation pertaining thereto,
3 when necessary to—

4 (1) promote government efficiency;

5 (2) ensure the timely and fair adjudication of
6 applications or petitions;

7 (3) prevent hardship to applicants, petitioners,
8 beneficiaries, or other persons or entities, including
9 by granting automatic or other extensions or renew-
10 als when necessary to protect individuals from lapses
11 in status or work authorization; or

12 (4) protect the public interest.

13 (b) Notwithstanding any other provision law, the re-
14 quirements of chapter 5 of title 5, U.S. Code (commonly
15 known as the Administrative Procedure Act), or any other
16 law relating to rulemaking, information collection or publi-
17 cation in the Federal Register shall not apply to any ac-
18 tion taken under the authority of this section.

19 (c) SPECIFIC AUTHORITY FOR EXPIRING STATUSES
20 OR WORK AUTHORIZATION.—Notwithstanding any provi-
21 sion of the Immigration and Nationality Act or any other
22 provision of law, with respect to any alien whose status,
23 whether permanent, temporary, or deferred, or employ-
24 ment authorization has expired within the 30 days pre-
25 ceding the date of the enactment of this act, or will expire

1 by the later of one year from the date of enactment of
2 this act or 90 days from the rescission of the March 13,
3 2020, Presidential Proclamation declaring a national
4 emergency, the Secretary of Homeland Security shall
5 automatically extend such status or work authorization for
6 the same time period as the alien’s status or work author-
7 ization.

8 (d) The amounts made available by this section are
9 designated by the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
11 anced Budget and Emergency Deficit Control Act of 1985

12 SEC. 10608. (a) Amounts provided for “Coast
13 Guard—Operations and Support” in the Consolidated Ap-
14 propriations Act, 2020 (Public Law 116–93) may be avail-
15 able for pay and benefits of Coast Guard Yard and Vessel
16 Documentation personnel, Non-Appropriated Funds per-
17 sonnel, and for Morale, Welfare and Recreation Programs.

18 (b) Any amounts repurposed under subsection (a)
19 that were previously designated by the Congress as an
20 emergency requirement or as being for Overseas Contin-
21 gency Operations/Global War on Terrorism pursuant to
22 the Balanced Budget and Emergency Deficit Control Act
23 of 1985 are designated by the Congress as being for an
24 emergency requirement pursuant to section
25 251(b)(2)(A)(i) of the Balanced Budget and Emergency

1 Deficit Control Act of 1985 or as for Overseas Contin-
2 gency Operations/Global War on Terrorism pursuant to
3 section 251(b)(2)(A)(ii) of the Balanced Budget and
4 Emergency Deficit Control Act of 1985.

5 TITLE VII—INTERIOR, ENVIRONMENT, AND
6 RELATED AGENCIES

7 DEPARTMENT OF THE INTERIOR

8 BUREAU OF INDIAN AFFAIRS

9 OPERATION OF INDIAN PROGRAMS

10 (INCLUDING TRANSFER OF FUNDS)

11 For an additional amount for “Operation of Indian
12 Programs”, \$453,000,000, to remain available until Sep-
13 tember 30, 2021, to prevent, prepare for, and respond to
14 coronavirus, including to support public safety and justice
15 programs, welfare and social service programs (including
16 assistance to individuals), and for aid to Tribal govern-
17 ments: *Provided*, That of such sums, funds may be used
18 for executive direction to carry out cleaning of facilities,
19 to purchase personal protective equipment, and to obtain
20 information technology: *Provided further*, That the limita-
21 tion on welfare assistance funds included in the matter
22 preceding the first proviso under this heading in the Fur-
23 ther Consolidated Appropriations Act, 2020 (Public Law
24 116–94) shall not apply to amounts provided for such pro-

1 grams in this paragraph: *Provided further*, That assistance
2 received hereunder shall not be included in the calculation
3 of funds received by those Tribal governments who partici-
4 pate in the “Small and Needy” program: *Provided further*,
5 That amounts provided under this heading in this Act may
6 be made available for distribution through Tribal priority
7 allocations for Tribal response and capacity building ac-
8 tivities related to the purposes identified under this head-
9 ing in this Act: *Provided further*, That such amounts, if
10 transferred to Tribes and Tribal organizations under the
11 Indian Self-Determination and Education Assistance Act:
12 (1) will be transferred on a one-time basis, (2) are non-
13 recurring funds that are not part of the amount required
14 by 25 U.S.C. 5325, and (3) may only be used for the pur-
15 poses identified under this heading in this Act, notwith-
16 standing any other provision of law: *Provided further*, That
17 such amount is designated by the Congress as being for
18 an emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 BUREAU OF INDIAN EDUCATION

22 OPERATION OF INDIAN EDUCATION PROGRAMS

23 For an additional amount for “Operation of Indian
24 Education Programs”, \$69,000,000, to remain available
25 until September 30, 2021, to prevent, prepare for, and re-

1 spond to coronavirus, including, in addition to amounts
2 otherwise available, support for Tribally-Controlled Col-
3 leges and Universities, salaries, transportation, and infor-
4 mation technology: *Provided*, That of the amounts pro-
5 vided in this paragraph, not less than \$20,000,000 shall
6 be for Tribally-Controlled Colleges and Universities: *Pro-*
7 *vided further*, That such amount is designated by the Con-
8 gress as being for an emergency requirement pursuant to
9 section 251(b)(2)(A)(i) of the Balanced Budget and
10 Emergency Deficit Control Act of 1985.

11 DEPARTMENTAL OFFICES

12 OFFICE OF THE SECRETARY

13 DEPARTMENTAL OPERATIONS

14 (INCLUDING TRANSFERS OF FUNDS)

15 For an additional amount for “Departmental Oper-
16 ations” for necessary expenses to prevent, prepare for, and
17 respond to coronavirus, \$158,400,000, to remain available
18 until September 30, 2021: *Provided*, That the amounts
19 made available in this paragraph shall be used to absorb
20 increased operational costs associated with the coronavirus
21 outbreak including but not limited to: purchase of equip-
22 ment and supplies to disinfect and clean buildings and
23 public areas, support law enforcement and emergency
24 management operations, biosurveillance of wildlife and en-
25 vironmental persistence studies, employee overtime and

1 special pay expenses, and for other response, mitigation,
2 or recovery activities associated with the coronavirus out-
3 break: *Provided further*, That the amounts made available
4 by this paragraph may be transferred between the Office
5 of the Secretary and any Department of the Interior com-
6 ponent bureau or office that received funding in division
7 D of the Further Consolidated Appropriations Act, 2020
8 (Public Law 116–94): *Provided further*, That concurrent
9 with any such transfer the Secretary shall notify the
10 House and Senate Committees on Appropriations in writ-
11 ing and provide a detailed description of and justification
12 for each transfer: *Provided further*, That as soon as prac-
13 ticable after the date of enactment of this Act, the Sec-
14 retary shall transfer \$1,000,000 to the Office of the In-
15 spector General, “Salaries and Expenses” account for
16 oversight activities related to the implementation of pro-
17 grams, activities, or projects funded herein: *Provided fur-*
18 *ther*, That expenditure of amounts made available herein
19 may be made through direct expenditure or cooperative
20 agreement: *Provided further*, That such amount is des-
21 ignated by the Congress as being for an emergency re-
22 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
23 anced Budget and Emergency Deficit Control Act of 1985.

1 INSULAR AFFAIRS

2 For an additional amount for “Assistance to Terri-
3 tories”, \$55,000,000, to remain available until September
4 30, 2021, to prevent, prepare for, and respond to
5 coronavirus, domestically or internationally, for territorial
6 assistance, specifically for general technical assistance:
7 *Provided*, That such amount is designated by the Congress
8 as being for an emergency requirement pursuant to sec-
9 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
10 gency Deficit Control Act of 1985.

11 ENVIRONMENTAL PROTECTION AGENCY

12 SCIENCE AND TECHNOLOGY

13 For an additional amount for “Science and Tech-
14 nology”, \$2,250,000, to remain available until September
15 30, 2021, to prevent, prepare for, and respond to
16 coronavirus, of which \$750,000 shall be for necessary ex-
17 penses for cleaning and disinfecting equipment or facilities
18 of, or for use by, the Environmental Protection Agency,
19 and \$1,500,000 shall be for research on methods to reduce
20 the risks from environmental transmission of coronavirus
21 via contaminated surfaces or materials: *Provided*, That
22 such amount is designated by the Congress as being for
23 an emergency requirement pursuant to section

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

3 ENVIRONMENTAL PROGRAMS AND MANAGEMENT

4 For an additional amount for “Environmental Pro-
5 grams and Management”, \$3,910,000, to remain available
6 until September 30, 2021, to prevent, prepare for, and re-
7 spond to coronavirus, of which \$2,410,000 shall be for
8 necessary expenses for cleaning and disinfecting equip-
9 ment or facilities of, or for use by, the Environmental Pro-
10 tection Agency, and operational continuity of Environ-
11 mental Protection Agency programs and related activities,
12 and \$1,500,000 shall be for expediting registration and
13 other actions related to pesticides to address coronavirus:
14 *Provided*, That such amount is designated by the Congress
15 as being for an emergency requirement pursuant to sec-
16 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
17 gency Deficit Control Act of 1985.

18 BUILDINGS AND FACILITIES

19 For an additional amount for “Buildings and Facili-
20 ties”, \$300,000, to remain available until September 30,
21 2021, to prevent, prepare for, and respond to coronavirus:
22 *Provided*, That such funds shall be for necessary expenses
23 for cleaning and disinfecting equipment or facilities of, or
24 for use by, the Environmental Protection Agency: *Pro-*
25 *vided further*, That such amount is designated by the Con-

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

4 HAZARDOUS SUBSTANCE SUPERFUND

5 For an additional amount for “Hazardous Substance
6 Superfund”, \$770,000, to remain available until Sep-
7 tember 30, 2021, to prevent, prepare for, and respond to
8 coronavirus: *Provided*, That such funds shall be for nec-
9 essary expenses for cleaning and disinfecting equipment
10 or facilities of, or for use by, the Environmental Protection
11 Agency: *Provided further*, That such amount is designated
12 by the Congress as being for an emergency requirement
13 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
14 et and Emergency Deficit Control Act of 1985.

15 DEPARTMENT OF AGRICULTURE

16 FOREST SERVICE

17 FOREST AND RANGELAND RESEARCH

18 For an additional amount for “Forest and Rangeland
19 Research”, \$3,000,000, to remain available until Sep-
20 tember 30, 2021, for the reestablishment of abandoned or
21 failed experiments associated with coronavirus restric-
22 tions: *Provided*, That such amount is designated by the
23 Congress as being for an emergency requirement pursuant

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

3 NATIONAL FOREST SYSTEM

4 For an additional amount for “National Forest Sys-
5 tem”, \$33,800,000, to remain available until September
6 30, 2021, to prevent, prepare for, and respond to
7 coronavirus, including for personal protective equipment,
8 for cleaning and disinfecting public recreation amenities,
9 and for necessary expenses related to cybersecurity, the
10 provision of telework ready equipment, and Information
11 Technology help desk personnel: *Provided*, That such
12 amount is designated by the Congress as being for an
13 emergency requirement pursuant to section
14 251(b)(2)(A)(i) of the Balanced Budget and Emergency
15 Deficit Control Act of 1985.

16 CAPITAL IMPROVEMENT AND MAINTENANCE

17 For an additional amount for “Capital Improvement
18 and Maintenance”, \$26,800,000, to remain available until
19 September 30, 2021, for necessary expenses related to cy-
20 bersecurity, the provision of telework ready equipment,
21 and Information Technology help desk personnel, and for
22 the cleaning, disinfecting, and janitorial services to pre-
23 vent, prepare for, and respond to coronavirus: *Provided*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 WILDLAND FIRE MANAGEMENT

4 For an additional amount for “Wildland Fire Man-
5 agement” to supplement amounts otherwise available for
6 Preparedness, \$7,000,000, to remain available until Sep-
7 tember 30, 2021, for personal protective equipment and
8 necessary expenses of first responders to prevent, prepare
9 for, and respond to coronavirus: *Provided*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 DEPARTMENT OF HEALTH AND HUMAN
15 SERVICES

16 INDIAN HEALTH SERVICE

17 INDIAN HEALTH SERVICES

18 For an additional amount for “Indian Health Serv-
19 ices”, \$1,032,000,000, to remain available until Sep-
20 tember 30, 2021, for preparedness, response, surveillance,
21 and health service activities for coronavirus, including for
22 public health support, electronic health record moderniza-
23 tion, telehealth and other IT upgrades, Purchased/Re-
24 ferred care, Catastrophic Health Emergency Fund, com-
25 munity health representatives, Urban Indian Organiza-

1 tions, Tribal Epidemiology Centers, and other activities to
2 protect the safety of patients and staff: *Provided*, That
3 none of the funds appropriated by this Act to the Indian
4 Health Service for the Electronic Health Record system
5 shall be made available for obligation to execute a Request
6 for Proposal for selection of core components appropriate
7 to support the initial capacity of the system unless the
8 Committees on Appropriations of the House of Represent-
9 atives and the Senate have been briefed 90 days in ad-
10 vance of such execution of a Request for Proposal: *Pro-*
11 *vided further*, That of the amount provided in this para-
12 graph, not less than \$450,000,000 shall be distributed
13 through Tribal shares and contracts with Urban Indian
14 Organizations: *Provided further*, That any amounts pro-
15 vided in this paragraph not allocated pursuant to the pre-
16 ceding proviso shall be allocated at the discretion of the
17 Director of the Indian Health Service: *Provided further*,
18 That such amounts may be used to supplement amounts
19 otherwise available under “Indian Health Facilities”: *Pro-*
20 *vided further*, That such amounts, if transferred to Tribes
21 and Tribal organizations under the Indian Self-Deter-
22 mination and Education Assistance Act, will be trans-
23 ferred on a one-time basis and that these non-recurring
24 funds are not part of the amount required by 25 U.S.C.
25 5325, and that such amounts may only be used for the

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

7 AGENCY FOR TOXIC SUBSTANCES AND DISEASE

8 REGISTRY

9 TOXIC SUBSTANCES AND ENVIRONMENTAL PUBLIC

10 HEALTH

11 For an additional amount for “Toxic Substances and
12 Environmental Public Health”, \$12,500,000, to remain
13 available until September 30, 2021, to monitor, prevent,
14 prepare for, and respond to coronavirus and other emerg-
15 ing infectious diseases, domestically or internationally; of
16 which \$7,500,000 shall be for necessary expenses of the
17 Geospatial Research, Analysis and Services Program
18 (GRASP) to support spatial analysis and GIS mapping
19 of infectious disease hot spots, including cruise ships; and
20 \$5,000,000 shall be for necessary expenses for awards for
21 Pediatric Environmental Health Specialties Units and
22 state health departments to provide guidance and outreach
23 on safe practices for home, school, and daycare facilities
24 disinfection for facilities that have experienced or want to
25 prevent coronavirus and other emerging infectious disease

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

5 INSTITUTE OF AMERICAN INDIAN AND ALASKA
6 NATIVE CULTURE

7 PAYMENT TO THE INSTITUTE

8 For an additional amount for “Payment to the Insti-
9 tute”, \$78,000, to remain available until September 30,
10 2021, to prevent, prepare for, and respond to coronavirus:
11 *Provided*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 SMITHSONIAN INSTITUTION

16 SALARIES AND EXPENSES

17 For an additional amount for “Salaries and Ex-
18 penses”, \$7,500,000, to remain available until September
19 30, 2021, for cleaning, security, information technology,
20 and staff overtime, to prevent, prepare for, and respond
21 to coronavirus: *Provided*, That such amount is designated
22 by the Congress as being for an emergency requirement
23 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
24 et and Emergency Deficit Control Act of 1985.

1 JOHN F. KENNEDY CENTER FOR THE PERFORMING
2 ARTS
3 OPERATIONS AND MAINTENANCE

4 For an additional amount for “Operations and Main-
5 tenance”, \$35,000,000, to remain available until Sep-
6 tember 30, 2021, for operations and maintenance require-
7 ments related to the consequences of coronavirus: *Pro-*
8 *vided*, That notwithstanding the provisions of 20 U.S.C.
9 76h et seq., funds provided in this Act shall be made avail-
10 able to cover operating expenses required to ensure the
11 continuity of the John F. Kennedy Center for the Per-
12 forming Arts and its affiliates, including for employee
13 compensation and benefits, grants, contracts, payments
14 for rent or utilities, fees for artists or performers, informa-
15 tion technology, and other administrative expenses: *Pro-*
16 *vided further*, That no later than October 31, 2020, the
17 Board of Trustees of the Center shall submit a report to
18 the Committees on Appropriations of the House of Rep-
19 resentatives and Senate that includes a detailed expla-
20 nation of the distribution of the funds provided herein:
21 *Provided further*, That such amount is designated by the
22 Congress as being for an emergency requirement pursuant
23 to section 251(b)(2)(A)(i) of the Balanced Budget and
24 Emergency Deficit Control Act of 1985.

1 NATIONAL FOUNDATION ON THE ARTS AND THE
2 HUMANITIES
3 NATIONAL ENDOWMENT FOR THE ARTS
4 GRANTS AND ADMINISTRATION

5 For an additional amount for “Grants and Adminis-
6 tration”, \$300,000,000, to remain available until Sep-
7 tember 30, 2021, for grants to respond to the impacts of
8 coronavirus: *Provided*, That such funds are available
9 under the same terms and conditions as grant funding ap-
10 propriated to this heading in P.L. 116–94: *Provided fur-*
11 *ther*, That 40 percent of such funds shall be distributed
12 to State arts agencies and regional arts organizations and
13 60 percent of such funds shall be for direct grants: *Pro-*
14 *vided further*, That such amount is designated by the Con-
15 gress as being for an emergency requirement pursuant to
16 section 251(b)(2)(A)(i) of the Balanced Budget and
17 Emergency Deficit Control Act of 1985.

18 NATIONAL ENDOWMENT FOR THE HUMANITIES
19 GRANTS AND ADMINISTRATION

20 For an additional amount for “Grants and Adminis-
21 tration”, \$300,000,000, to remain available until Sep-
22 tember 30, 2021, for grants to respond to the impacts of
23 coronavirus: *Provided*, That such funds are available
24 under the same terms and conditions as grant funding ap-
25 propriated to this heading in Public Law 116–94: *Pro-*

1 *vided further*, That 40 percent of such funds shall be dis-
2 tributed to state humanities councils and 60 percent of
3 such funds shall be for direct grants: *Provided further*,
4 That such amount is designated by the Congress as being
5 for an emergency requirement pursuant to section
6 251(b)(2)(A)(i) of the Balanced Budget and Emergency
7 Deficit Control Act of 1985.

8 GENERAL PROVISIONS

9 SEC. 10701. Notwithstanding any other provision of
10 law, funds made available under the heading “National
11 Foundation on the Arts and the Humanities—National
12 Endowment for the Arts—Grants and Administration” for
13 each of fiscal years 2019 and 2020 for grants for the pur-
14 poses described in section 5(c) of the National Foundation
15 on the Arts and Humanities Act of 1965 (20 U.S.C.
16 954(c)) may also be used by the recipients of such grants
17 for purposes of the general operations of such recipients
18 and the matching requirements under subsections (e),
19 (g)(4)(A), and (p)(3) of section 5 of the National Founda-
20 tion on the Arts and Humanities Act of 1965 (20 U.S.C.
21 954) may be waived with respect to such grants.

22 SEC. 10702. Notwithstanding any other provision of
23 law, funds made available under the heading “National
24 Foundation on the Arts and the Humanities—National

1 Endowment for the Humanities—Grants and Administra-
2 tion” for each of fiscal years 2019 and 2020 for grants
3 for the purposes described in section 7(c) and 7(h)(1) of
4 the National Foundation on the Arts and Humanities Act
5 of 1965 may also be used by the recipients of such grants
6 for purposes of the general operations of such recipients
7 and the matching requirements under subsection
8 (h)(2)(A) of section 7 of the National Foundation on the
9 Arts and Humanities Act of 1965 may be waived with re-
10 spect to such grants.

11 TITLE VIII—DEPARTMENTS OF LABOR,
12 HEALTH AND HUMAN SERVICES, AND EDU-
13 CATION, AND RELATED AGENCIES

14 DEPARTMENT OF LABOR

15 EMPLOYMENT AND TRAINING ADMINISTRATION

16 TRAINING AND EMPLOYMENT SERVICES

17 For an additional amount for “Training and Employ-
18 ment Services”, \$960,000,000, to remain available until
19 September 30, 2021, to prevent, prepare for, and respond
20 to coronavirus through activities under the Workforce In-
21 novation and Opportunity Act (referred to in this Act as
22 “WIOA”) as follows:

- 23 (1) \$212,000,000 for grants to States for adult
24 employment and training activities, including sup-
25 portive services and needs-related payments;

1 (2) \$227,000,000 for grants to States for youth
2 activities, including supportive services;

3 (3) \$261,000,000 for grants to States for dis-
4 located worker employment and training activities,
5 including supportive services and needs-related pay-
6 ments;

7 (4) \$250,000,000 for the Dislocated Worker
8 Assistance National Reserve, of which \$150,000,000
9 shall be for the Strengthening Community College
10 Training Grant program as outlined under the head-
11 ing “Training and Employment Services” in para-
12 graph (2)(A)(ii) of title I of division A of Public Law
13 116–94 to assist community colleges in meeting the
14 educational and training needs of their communities
15 as a result of coronavirus;

16 (5) \$10,000,000 for Migrant and Seasonal
17 Farmworker programs, including for emergency sup-
18 portive services to farmworkers, of which \$500,000
19 shall be available for the collection and dissemina-
20 tion of electronic and printed materials related to
21 coronavirus:

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

1 pare for, and respond to coronavirus: *Provided*, That
2 funds made available under this heading in this Act may,
3 in accordance with section 517(c) of the Older Americans
4 Act of 1965, be recaptured and reobligated: *Provided fur-*
5 *ther*, That such amount is designated by the Congress as
6 being for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 PROGRAM ADMINISTRATION

10 For an additional amount for “Program Administra-
11 tion”, \$15,000,000, to remain available until September
12 30, 2020, to prevent, prepare for, and respond to
13 coronavirus, including for the administration, oversight,
14 and coordination of unemployment insurance activities re-
15 lated thereto: *Provided*, That such amount is designated
16 by the Congress as being for an emergency requirement
17 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
18 et and Emergency Deficit Control Act of 1985.

19 EMPLOYEE BENEFITS SECURITY ADMINISTRATION

20 SALARIES AND EXPENSES

21 For an additional amount for “Employee Benefits
22 Security Administration”, \$3,000,000, to remain available
23 until September 30, 2020, to prevent, prepare for, and re-
24 spond to coronavirus, including for the administration,
25 oversight, and coordination of worker protection activities

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

5 WAGE AND HOUR DIVISION

6 SALARIES AND EXPENSES

7 For an additional amount for “Wage and Hour Divi-
8 sion”, \$6,500,000, to remain available until September
9 30, 2020, to prevent, prepare for, and respond to
10 coronavirus, including for the administration, oversight,
11 and coordination of worker protection activities related
12 thereto: *Provided*, That such amount is designated by the
13 Congress as being for an emergency requirement pursuant
14 to section 251(b)(2)(A)(i) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 OCCUPATIONAL SAFETY AND HEALTH ADMINISTRATION

17 SALARIES AND EXPENSES

18 For an additional amount for “Occupational Safety
19 and Health Administration”, \$30,000,000, to remain
20 available until September 30, 2021, for worker protection
21 activities to prevent, prepare for, and respond to
22 coronavirus: *Provided*, That of that amount, \$10,000,000
23 shall be available for Susan Harwood training grants: *Pro-*
24 *vided further*, That such amount is designated by the Con-
25 gress as being for an emergency requirement pursuant to

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

3 DEPARTMENTAL MANAGEMENT

4 OFFICE OF INSPECTOR GENERAL

5 SALARIES AND EXPENSES

6 For an additional amount for “Office of Inspector
7 General”, \$1,500,000, to remain available until September
8 30, 2022, for oversight of activities supported with funds
9 appropriated to the Department of Labor: *Provided*, That
10 such amount is designated by the Congress as being for
11 an emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 VETERANS EMPLOYMENT AND TRAINING

15 For an additional amount for “Veterans Employment
16 and Training,” \$15,000,000, to remain available through
17 September 30, 2021, to prevent, prepare for, and respond
18 to coronavirus, including for programs to assist homeless
19 veterans and veterans at risk of homelessness: *Provided*,
20 That such amount is designated by the Congress as being
21 for an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 DEPARTMENT OF HEALTH AND HUMAN
2 SERVICES
3 HEALTH RESOURCES AND SERVICES ADMINISTRATION
4 PRIMARY HEALTH CARE

5 For an additional amount for “Primary Health
6 Care”, \$1,300,000,000, to remain available until Sep-
7 tember 30, 2021, for necessary expenses to prevent, pre-
8 pare for, and respond to coronavirus, for grants and coop-
9 erative agreements under the Health Centers Program, as
10 defined by section 330 of the Public Health Service Act,
11 and for eligible entities under the Native Hawaiian Health
12 Care Improvement Act, including maintenance of current
13 health care center capacity and staffing levels: *Provided*,
14 That sections 330(r)(2)(B), 330(e)(6)(A)(iii), and
15 330(e)(6)(B)(iii) shall not apply to funds provided under
16 this heading in this Act: *Provided further*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 RYAN WHITE HIV/AIDS PROGRAM

22 For an additional amount for “Ryan White HIV/
23 AIDS Program”, \$90,000,000, to remain available
24 through September 30, 2021, to prevent, prepare for, and
25 respond to coronavirus: *Provided*, That awards from funds

1 provided under this heading in this Act shall be through
2 modifications to existing contracts and supplements to ex-
3 isting grants and cooperative agreements under parts A,
4 B, C, D, F, and section 2692(a) of title XXVI of the Pub-
5 lic Health Service Act: *Provided further*, That such supple-
6 ments shall be awarded using a data-driven methodology
7 determined by the Secretary of Health and Human Serv-
8 ices: *Provided further*, That sections 2604(c), 2612(b), and
9 2651(c) of the Public Health Service Act shall not apply
10 to funds provided under this heading in this Act: *Provided*
11 *further*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 HEALTH CARE SYSTEMS

16 For an additional amount for “Health Care Sys-
17 tems”, \$5,000,000, to remain available until September
18 30, 2021 to prevent, prepare for, and respond to
19 coronavirus, for activities authorized under sections 1271
20 and 1273 of the Public Health Service Act to improve the
21 capacity of poison control centers to respond to increased
22 calls and communications: *Provided*, That such amount is
23 designated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

1 RURAL HEALTH

2 For an additional amount for “Rural Health”,
3 \$460,000,000, to remain available through September 30,
4 2021, to prevent, prepare for, and respond to coronavirus,
5 including telephonic and virtual care for the underinsured,
6 and for continuation and expansion of telehealth and rural
7 health activities under sections 330A and 330I of the Pub-
8 lic Health Service Act and section 711 of the Social Secu-
9 rity Act: *Provided*, That of the amount provided under this
10 heading in this Act, not less than \$15,000,000 shall be
11 allocated to tribes, tribal organizations, urban Indian
12 health organizations, or health service providers to tribes:
13 *Provided further*, That such amount is designated by the
14 Congress as being for an emergency requirement pursuant
15 to section 251(b)(2)(A)(i) of the Balanced Budget and
16 Emergency Deficit Control Act of 1985.

17 CENTERS FOR DISEASE CONTROL AND PREVENTION

18 CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

19 For an additional amount for “CDC-Wide Activities
20 and Program Support”, \$5,500,000,000, to remain avail-
21 able until September 30, 2024, to prevent, prepare for,
22 and respond to coronavirus, domestically or internation-
23 ally: *Provided*, That not less than \$2,000,000,000 of the
24 amount provided shall be for grants to or cooperative
25 agreements with States, localities, territories, tribes, tribal

1 organizations, urban Indian health organizations, or
2 health service providers to tribes, for such purposes includ-
3 ing to carry out surveillance, epidemiology, laboratory ca-
4 pacity, infection control, mitigation, communications, and
5 other preparedness and response activities: *Provided fur-*
6 *ther*, That every grantee that received a Public Health
7 Emergency Preparedness grant for fiscal year 2019 shall
8 receive not less than 100 percent of that grant level from
9 funds provided in the first proviso under this heading in
10 this Act, and not less than \$125,000,000 of such funds
11 shall be allocated to tribes, tribal organizations, urban In-
12 dian health organizations, or health service providers to
13 tribes: *Provided further*, That the Director of the Centers
14 for Disease Control and Prevention (“CDC”) may satisfy
15 the funding thresholds outlined in the preceding two pro-
16 visos by making awards through other grant or coopera-
17 tive agreement mechanisms: *Provided further*, That of the
18 amount provided under this heading in this Act, not less
19 than \$1,000,000,000 shall be for global disease detection
20 and emergency response: *Provided further*, That of the
21 amount provided under this heading in this Act,
22 \$500,000,000 shall be for public health data surveillance
23 and analytics infrastructure modernization: *Provided fur-*
24 *ther*, That funds appropriated under this heading in this
25 Act may be used for grants for the rent, lease, purchase,

1 acquisition, construction, alteration, or renovation of non-
2 Federally owned facilities to improve preparedness and re-
3 sponse capability at the State and local level: *Provided fur-*
4 *ther*, That funds may be used for purchase and insurance
5 of official motor vehicles in foreign countries: *Provided fur-*
6 *ther*, That such amount is designated by the Congress as
7 being for an emergency requirement pursuant to section
8 251(b)(2)(A)(i) of the Balanced Budget and Emergency
9 Deficit Control Act of 1985.

10 NATIONAL INSTITUTES OF HEALTH

11 NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

12 For an additional amount for “National Heart, Lung,
13 and Blood Institute”, \$103,400,000, to remain available
14 until September 30, 2024, to prevent, prepare for, and re-
15 spond to coronavirus, domestically or internationally: *Pro-*
16 *vided*, That such amount is designated by the Congress
17 as being for an emergency requirement pursuant to sec-
18 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
19 gency Deficit Control Act of 1985.

20 NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS

21 DISEASES

22 For an additional amount for “National Institute of
23 Allergy and Infectious Diseases”, \$550,000,000, to re-
24 main available until September 30, 2024, to prevent, pre-
25 pare for, and respond to coronavirus, domestically or

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

5 NATIONAL INSTITUTE OF ENVIRONMENTAL HEALTH
6 SCIENCES

7 For an additional amount for “National Institute of
8 Environmental Health Sciences”, \$10,000,000, to remain
9 available until September 30, 2024, for worker-based
10 training to prevent and reduce exposure of hospital em-
11 ployees, emergency first responders, and other workers
12 who are at risk of exposure to coronavirus through their
13 work duties: *Provided*, That such amount is designated by
14 the Congress as being for an emergency requirement pur-
15 suant to section 251(b)(2)(A)(i) of the Balanced Budget
16 and Emergency Deficit Control Act of 1985.

17 NATIONAL INSTITUTE OF BIOMEDICAL IMAGING AND
18 BIOENGINEERING

19 For an additional amount for “National Institute of
20 Biomedical Imaging and Bioengineering”, \$60,000,000, to
21 remain available until September 30, 2024, to prevent,
22 prepare for, and respond to coronavirus, domestically or
23 internationally: *Provided*, That such amount is designated
24 by the Congress as being for an emergency requirement

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

3 NATIONAL LIBRARY OF MEDICINE

4 For an additional amount for “National Library of
5 Medicine”, \$10,000,000, to remain available until Sep-
6 tember 30, 2024, to prevent, prepare for, and respond to
7 coronavirus, domestically or internationally: *Provided*,
8 That such amount is designated by the Congress as being
9 for an emergency requirement pursuant to section
10 251(b)(2)(A)(i) of the Balanced Budget and Emergency
11 Deficit Control Act of 1985.

12 NATIONAL CENTER FOR ADVANCING TRANSLATIONAL
13 SCIENCES

14 For an additional amount for “National Center for
15 Advancing Translational Sciences”, \$36,000,000, to re-
16 main available until September 30, 2024, to prevent, pre-
17 pare for, and respond to coronavirus, domestically or
18 internationally: *Provided*, That such amount is designated
19 by the Congress as being for an emergency requirement
20 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
21 et and Emergency Deficit Control Act of 1985.

22 OFFICE OF THE DIRECTOR

23 For an additional amount for “Office of the Direc-
24 tor”, \$30,000,000, to remain available until September
25 30, 2024, to prevent, prepare for, and respond to

1 coronavirus, domestically or internationally: *Provided*,
2 That the funds provided under this heading in this Act
3 shall be available for the Common Fund established under
4 section 402A(e)(1) of the Public Health Service Act: *Pro-*
5 *vided further*, That such amount is designated by the Con-
6 gress as being for an emergency requirement pursuant to
7 section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES

10 ADMINISTRATION

11 HEALTH SURVEILLANCE AND PROGRAM SUPPORT

12 For an additional amount for “Health Surveillance
13 and Program Support”, \$435,000,000, to remain avail-
14 able until September 30, 2021, to prevent, prepare for,
15 and respond to coronavirus, for program support and
16 cross-cutting activities that supplement activities funded
17 under the headings “Mental Health”, “Substance Abuse
18 Treatment”, and “Substance Abuse Prevention” in car-
19 rying out titles III, V, and XIX of the Public Health Serv-
20 ice Act (“PHS Act”): *Provided*, That \$200,000,000 of the
21 funds made available under this heading in this Act shall
22 be for grants to communities and community organiza-
23 tions who meet criteria for Certified Community Behav-
24 ioral Health Clinics pursuant to section 223(a) of Public
25 Law 113–93: *Provided further*, That \$60,000,000 of the

1 funds made available under this heading in this Act shall
2 be for services to the homeless population: *Provided fur-*
3 *ther*, That \$10,000,000 of the funds made available under
4 this heading in this Act shall be for the National Child
5 Traumatic Stress Network: *Provided further*, That not less
6 than \$50,000,000 of the funds made available under this
7 heading in this Act shall be for suicide prevention pro-
8 grams: *Provided further*, That not less than \$100,000,000
9 of the amount made available under this heading in this
10 Act is available for State Emergency Response Grants au-
11 thorized under section 501(o) of the PHS Act: *Provided*
12 *further*, That not less than \$15,000,000 of the amount
13 made available under this heading in this Act shall be allo-
14 cated to tribes, tribal organizations, urban Indian health
15 organizations, or health or behavioral health service pro-
16 viders to tribes: *Provided further*, That such amount is
17 designated by the Congress as being for an emergency re-
18 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
19 anced Budget and Emergency Deficit Control Act of 1985.

20 AGENCY FOR HEALTHCARE RESEARCH AND QUALITY

21 For an additional amount for “Healthcare Research
22 and Quality”, \$80,000,000, to remain available until Sep-
23 tember 30, 2024, to prevent, prepare for, and respond to
24 coronavirus, to carry out titles III and IX of the Public
25 Health Service Act, part A of title XI of the Social Secu-

1 rity Act, and section 1013 of the Medicare Prescription
2 Drug, Improvement, and Modernization Act of 2003: *Pro-*
3 *vided*, That section 947(c) of the Public Health Service
4 Act shall not apply to funds made available under this
5 heading in this Act: *Provided further*, That such amount
6 is designated by the Congress as being for an emergency
7 requirement pursuant to section 251(b)(2)(A)(i) of the
8 Balanced Budget and Emergency Deficit Control Act of
9 1985.

10 CENTERS FOR MEDICARE & MEDICAID SERVICES

11 PROGRAM MANAGEMENT

12 For an additional amount for “Program Manage-
13 ment”, \$550,000,000, to remain available until September
14 30, 2022 to prevent, prepare for, and respond to
15 coronavirus, of which \$100,000,000 shall be for necessary
16 expenses of the survey and certification program,
17 prioritizing nursing home facilities in localities with com-
18 munity transmission of coronavirus: *Provided*, That such
19 amount is designated by the Congress as being for an
20 emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

1 ADMINISTRATION FOR CHILDREN AND FAMILIES
2 LOW INCOME HOME ENERGY ASSISTANCE

3 For an additional amount for “Low Income Home
4 Energy Assistance”, \$1,400,000,000, to remain available
5 until September 30, 2021, for making payments under
6 subsection (b) of section 2602 of the Low-Income Home
7 Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.):
8 *Provided*, That of the amount provided under this heading
9 in this Act, \$700,000,000 shall be allocated as though the
10 total appropriation for such payments for fiscal year 2020
11 was less than \$1,975,000,000: *Provided further*, That sec-
12 tion 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B))
13 shall not apply to funds made available under this heading
14 in this Act: *Provided further*, That such amount is des-
15 ignated by the Congress as being for an emergency re-
16 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
17 anced Budget and Emergency Deficit Control Act of 1985.

18 PAYMENTS TO STATES FOR THE CHILD CARE AND
19 DEVELOPMENT BLOCK GRANT

20 For an additional amount for “Payments to States
21 for the Child Care and Development Block Grant”,
22 \$6,000,000,000, to remain available until September 30,
23 2021, to prevent, prepare for, and respond to coronavirus,
24 including for Federal administrative expenses, which shall
25 be used to supplement, not supplant State, Territory, and

1 Tribal general revenue funds for child care assistance for
2 low-income families without regard to requirements in sec-
3 tion 658E(c)(3)(D), section 658E(c)(3)(E), section
4 658G(a), or section 658G(c) of the Child Care and Devel-
5 opment Block Grant Act (“CCDBG Act”): *Provided*, That
6 funds made available under this heading in this Act may
7 also be used for costs of waiving family copayments and
8 covering costs typically paid through family copayments,
9 continued payments and assistance to child care providers
10 in cases of decreased enrollment, child absences, or pro-
11 vider closures related to coronavirus, and to ensure child
12 care providers are able to remain open or reopen as appro-
13 priate and applicable: *Provided further*, That States, Ter-
14 ritories, and Tribes are encouraged to place conditions on
15 payments to child care providers that ensure that child
16 care providers use a portion of funds received to continue
17 to pay the salaries and wages of staff: *Provided further*,
18 That such funds may be used for mobilizing emergency
19 child care services, for providing temporary assistance to
20 eligible child care providers to support costs associated
21 with coronavirus, and for supporting child care resource
22 and referral services: *Provided further*, That States, Terri-
23 tories, and Tribes are authorized to use funds appro-
24 priated under this heading to provide child care assistance
25 to health care sector employees, emergency responders,

1 sanitation workers, and other workers deemed essential
2 during the response to coronavirus by public officials,
3 without regard to the income eligibility requirements of
4 section 658P(4) of the CCDBG Act: *Provided further*,
5 That the Secretary shall remind States that CCDBG State
6 plans do not need to be amended prior to utilizing existing
7 authorities in the CCDBG Act for the purposes provided
8 herein: *Provided further*, That funds appropriated under
9 this heading in this Act shall be available to eligible child
10 care providers under section 658P(6) of the CCDBG Act,
11 even if such providers were not receiving CCDBG assist-
12 ance prior to the public health emergency as a result of
13 the coronavirus, for the purposes of cleaning and sanita-
14 tion, and other activities necessary to maintain or resume
15 the operation of programs: *Provided further*, That obliga-
16 tions incurred for the purposes provided herein prior to
17 the date of enactment of this Act may be charged to funds
18 appropriated under this heading in this Act: *Provided fur-*
19 *ther*, That such amount is designated by the Congress as
20 being for an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

1 CHILDREN AND FAMILIES SERVICES PROGRAMS

2 For an additional amount for “Children and Families
3 Services Programs”, \$5,202,000,000, to remain available
4 until September 30, 2021, which shall be used as follows:

5 (1) \$1,000,000,000 for making payments under
6 the Head Start Act to be allocated in an amount
7 that bears the same ratio to such portion as the
8 number of enrolled children served by the agency in-
9 volved bears to the number of enrolled children by
10 all Head Start agencies: *Provided*, That none of the
11 funds appropriated in this paragraph shall be in-
12 cluded in the calculation of the “base grant” in sub-
13 sequent fiscal years, as such term is defined in sec-
14 tions 640(a)(7)(A), 641A(h)(1)(B), or 645(d)(3) of
15 the Head Start Act: *Provided further*, That funds
16 appropriated in this paragraph are not subject to
17 the allocation requirements of section 640(a) of the
18 Head Start Act and in addition to allowable uses of
19 fund in 45 CFR 1301–1305, shall be allowable for
20 developing and implementing procedures and sys-
21 tems to improve the coordination, preparedness and
22 response efforts with State, local, tribal, an terri-
23 torial public health departments, and other relevant
24 agencies; cost of meals and snacks not reimbursed
25 by the Secretary of Agriculture; mental health serv-

1 ices and supports; mental health crisis response and
2 intervention services; training and professional devel-
3 opment for staff on infectious disease management;
4 purchasing necessary supplies and contracted serv-
5 ices to sanitize and clean facilities and vehicles, if
6 applicable; and other costs that are necessary to
7 maintain and resume the operation of programs,
8 such as substitute staff, technology infrastructure,
9 or other emergency assistance: *Provided further,*
10 That up to \$600,000,000 shall be available for the
11 purpose of operating supplemental summer pro-
12 grams through non-competitive grant supplements to
13 existing grantees determined to be most ready to op-
14 erate those programs by the Office of Head Start:
15 *Provided further,* That not more than \$15,000,000
16 shall be available for Federal administrative ex-
17 penses and shall remain available through Sep-
18 tember 30, 2021: *Provided further,* That obligations
19 incurred for the purposes provided herein prior to
20 the date of enactment of this subdivision may be
21 charged to funds appropriated under this heading.

22 (2) \$2,500,000,000 for activities to carry out
23 the Community Services Block Grant Act: *Provided,*
24 That of the amount made available in this para-
25 graph in this Act, \$50,000,000 shall be available for

1 Statewide activities in accordance with section
2 675C(b)(1) of such Act: *Provided further*, That of
3 the amount made available in this paragraph in this
4 Act, \$25,000,000 shall be available for grants to
5 support the procurement and distribution of diapers
6 through non-profit organizations: *Provided further*,
7 That of the amount made available in this para-
8 graph in this Act, \$25,000,000 shall be available for
9 administrative expenses in accordance with section
10 675C(b)(2) of such Act: *Provided further*, That each
11 State, territory, or tribe shall allocate not less than
12 xx percent of its formula award to non-profit organi-
13 zations: *Provided further*, That for services furnished
14 under such Act during fiscal years 2020 and 2021,
15 States may apply the last sentence of section 673(2)
16 of such Act by substituting “200 percent” for “125
17 percent”.

18 (3) \$2,000,000, for the National Domestic Vio-
19 lence Hotline as authorized by Section 303(b) of the
20 Family Violence Prevention and Services Act: *Pro-*
21 *vided*, That the Secretary may use amounts made
22 available in the preceding proviso for providing hot-
23 line services remotely.

24 (4) \$100,000,000 for Family Violence Preven-
25 tion and Services formula grants as authorized by

1 Section 303(a) of the Family Violence and Preven-
2 tion and Services Act: *Provided*, That the Secretary
3 may use amounts made available in the preceding
4 proviso for providing temporary housing and in-per-
5 son assistance to victims of family, domestic, and
6 dating violence: *Provided further*, That for funds ob-
7 ligated during the period of any public health emer-
8 gency declared under section 319 of the Public
9 Health Service Act with respect to coronavirus, the
10 Secretary may waive the matching funds require-
11 ment in section 306(c)(4) of such Act.

12 (5) \$100,000,000 for carrying out activities
13 under the Runaway and Homeless Youth Act: *Pro-*
14 *vided*, That amounts made available in the preceding
15 proviso shall be used to supplement, not supplant,
16 existing funds and shall be available without regard
17 to matching requirements.

18 (6) \$1,500,000,000 for necessary expenses for
19 grants for assisting low-income households, as de-
20 fined by the grantee, in paying their water and
21 wastewater utility costs: *Provided*, That eligible
22 grantees shall be those identified in section 2003 of
23 the Social Security Act, and funds appropriated in
24 this paragraph shall be allocated among such enti-

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

7 ADMINISTRATION FOR COMMUNITY LIVING

8 AGING AND DISABILITY SERVICES PROGRAMS

9 For an additional amount for “Aging and Disability
10 Services Programs”, \$1,205,000,000, to remain available
11 until September 30, 2021, to prevent, prepare for, and re-
12 spond to coronavirus: *Provided*, That of the amount made
13 available under this heading in this Act, \$1,070,000,000
14 shall be for activities authorized under the Older Ameri-
15 cans Act of 1965 (“OAA”), including \$200,000,000 for
16 supportive services under part B of title III; \$720,000,000
17 for nutrition services under subparts 1 and 2 of part C
18 of title III; \$30,000,000 for nutrition services under title
19 VI; \$100,000,000 for support services for family care-
20 givers under part E of title III; and \$20,000,000 for elder
21 rights protection activities, including the long-term om-
22 budsman program under title VII of such Act: *Provided*
23 *further*, That of the amount made available under this
24 heading in this Act, \$50,000,000 shall be for aging and
25 disability resource centers authorized in sections 202(b)

1 and 411 of the OAA: *Provided further*, That of the amount
2 made available under this heading in this Act,
3 \$85,000,000 shall be available for centers for independent
4 living that have received grants funded under part C of
5 chapter I of title VII of the Rehabilitation Act of 1973:
6 *Provided further*, That to facilitate State use of funds pro-
7 vided under this heading in this Act, matching require-
8 ments under sections 304(d)(1)(D) and 373(g)(2) of the
9 OAA shall not apply to funds made available under this
10 heading: *Provided further*, That the transfer authority
11 under section 308(b)(4)(A) of the OAA shall apply to
12 funds made available under this heading in this Act by
13 substituting “100 percent” for “40 percent”: *Provided*
14 *further*, That the State Long-Term Care Ombudsman
15 shall have continuing direct access (or other access
16 through the use of technology) to residents of long-term
17 care facilities, during any portion of the public health
18 emergency relating to coronavirus as of the date of enact-
19 ment of this Act and ending on September 30, 2020, to
20 provide services described in section 712(a)(3)(B) of the
21 OAA: *Provided further*, That such amount is designated
22 by the Congress as being for an emergency requirement
23 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
24 et and Emergency Deficit Control Act of 1985.

1 OFFICE OF THE SECRETARY
2 PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY
3 FUND

4 For an additional amount for “Public Health and So-
5 cial Services Emergency Fund”, \$6,077,000,000, to re-
6 main available until September 30, 2024, to prevent, pre-
7 pare for, and respond to coronavirus, domestically or
8 internationally, including the development of necessary
9 countermeasures and vaccines, prioritizing platform-based
10 technologies with U.S.-based manufacturing capabilities,
11 the purchase of vaccines, therapeutics, diagnostics, and
12 necessary medical supplies, as well as medical surge capac-
13 ity, workforce modernization, enhancements to the U.S.
14 Commissioned Corps, telehealth access and infrastructure,
15 initial advanced manufacturing, and related administra-
16 tive activities: *Provided*, That no less than \$1,000,000,000
17 shall be dedicated to the development, translation and
18 demonstration at scale of innovations in manufacturing
19 platforms to support vitally necessary medical counter-
20 measures to support a reliable U.S.-sourced supply chain
21 of: (a) vaccines, (b) therapeutics, (c) small molecule APIs
22 (active pharmaceutical ingredients), including construc-
23 tion costs: *Provided further*, That the Secretary of Health
24 and Human Services shall purchase vaccines developed
25 using funds made available under this heading in this Act

1 to respond to an outbreak or pandemic related to
2 coronavirus in quantities determined by the Secretary to
3 be adequate to address the public health need: *Provided*
4 *further*, That products purchased by the Federal govern-
5 ment with funds made available under this heading, in-
6 cluding vaccines, therapeutics, and diagnostics, shall be
7 purchased in accordance with Federal Acquisition Regula-
8 tion guidance on fair and reasonable pricing: *Provided fur-*
9 *ther*, That the Secretary may take such measures author-
10 ized under current law to ensure that vaccines, thera-
11 peutics, and diagnostics developed from funds provided in
12 this Act will be affordable in the commercial market *Pro-*
13 *vided further*, That in carrying out the preceding proviso,
14 the Secretary shall not take actions that delay the develop-
15 ment of such products: *Provided further*, That products
16 purchased with funds appropriated in this paragraph may,
17 at the discretion of the Secretary of Health and Human
18 Services, be deposited in the Strategic National Stockpile
19 under section 319F-2 of the Public Health Service Act
20 (“PHS Act”): *Provided further*, That funds appropriated
21 under this heading in this Act may be transferred to, and
22 merged with, the fund authorized by section 319F-4, the
23 Covered Countermeasure Process Fund, of the PHS Act:
24 *Provided further*, That funds appropriated under this
25 heading in this Act may be used for grants for the con-

1 struction, alteration, or renovation of non-Federally owned
2 facilities to improve preparedness and response capability
3 at the State and local level: *Provided further*, That funds
4 appropriated under this heading in this Act may be used
5 for the construction, alteration, or renovation of non-Fed-
6 erally owned facilities for the production of vaccines,
7 therapeutics, and diagnostics where the Secretary deter-
8 mines that such a contract is necessary to secure sufficient
9 amounts of such supplies: *Provided further*, That of the
10 amount provided under this heading in this Act,
11 \$1,635,000,000 shall be for expenses necessary to carry
12 out section 319F-2(a) of the PHS Act: *Provided further*,
13 That of the amount provided under this heading in this
14 Act, not less than \$500,000,000 shall be available to the
15 Biomedical Advanced Research and Development Author-
16 ity for acquisition, construction, or renovation of privately
17 owned U.S.-based next generation manufacturing facili-
18 ties: *Provided further*, That not later than seven days after
19 the date of enactment of this Act, and weekly thereafter
20 until the Secretary declares the public health emergency
21 related to coronavirus no longer exists, the Secretary shall
22 report to the Committees on Appropriations of the House
23 of Representatives and the Senate on the current inven-
24 tory of personal protective equipment in the Strategic Na-
25 tional Stockpile, including the numbers of face shields,

1 gloves, goggles and glasses, gowns, head covers, masks,
2 and respirators, as well as deployment of personal protec-
3 tive equipment during the previous week, reported by state
4 and other jurisdiction: *Provided further*, That after the
5 date that a report is required to be submitted pursuant
6 to the preceding proviso, amounts made available for “De-
7 partment of Health and Human Services—Office of the
8 Secretary—General Departmental Management” in Pub-
9 lic Law 116–94 for salaries and expenses of the Immediate
10 Office of the Secretary shall be reduced by \$250,000 for
11 each day that such report has not been submitted: *Pro-*
12 *vided further*, That such amount is designated by the Con-
13 gress as being for an emergency requirement pursuant to
14 section 251(b)(2)(A)(i) of the Balanced Budget and
15 Emergency Deficit Control Act of 1985.

16 For an additional amount for “Public Health and So-
17 cial Services Emergency Fund”, \$100,000,000,000, to re-
18 main available until expended, for making payments,
19 through grants or other payment mechanisms, to covered
20 entities to cover or reimburse health care related expenses
21 or lost revenues attributable to the COVID–19 outbreak,
22 including such expenses or losses occurring after January
23 20, 2020: *Provided*, That these funds may not be used
24 to reimburse expenses or losses that have been reimbursed
25 from other sources or that other sources are obligated to

1 reimburse: *Provided further*, That, in this paragraph, the
2 term “covered entity” means an entity that provides med-
3 ical diagnoses or health care services relating to actual or
4 possible cases of COVID–19: *Provided further*, That the
5 Secretary of Health and Human Services shall, on a roll-
6 ing basis, review applications and make payments under
7 this paragraph and shall prioritize making such payments
8 for charity care furnished, covered entities with high vol-
9 umes of health care related expenses or lost revenues di-
10 rectly attributable to COVID–19, building or construction
11 of temporary structures, leasing of properties, medical
12 supplies and equipment including personal protective
13 equipment and testing supplies, increased workforce and
14 trainings, emergency operation centers, construction of or
15 retrofitting facilities, forgone revenue unlikely to be earned
16 in the future, and surge capacity: *Provided further*, That
17 no covered entity may be restricted from receiving a pay-
18 ment under this paragraph based on any factor that is
19 unrelated to its qualifications to perform the services re-
20 quired for receipt of the payment: *Provided further*, That
21 payments under this paragraph shall be made in consider-
22 ation of the most efficient payment systems to provide
23 emergency payment: *Provided further*, That, in this para-
24 graph, the term “payment” means a pre-payment, pro-
25 spective payment, or retrospective payment: *Provided fur-*

1 *ther*, That to be eligible for a payment under this para-
2 graph, a covered entity shall submit to the Secretary of
3 Health and Human Services an application that includes
4 a statement justifying the need of the entity for the pay-
5 ment and the covered entity shall have a valid tax identi-
6 fication number: *Provided further*, That, not later than 3
7 years after final payments are made under this paragraph,
8 the Secretary of Health and Human Services shall instruct
9 the Office of the Inspector General or Comptroller General
10 of the United States to audit such payments: *Provided fur-*
11 *ther*, That such amount is designated by the Congress as
12 being for an emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 For an additional amount for “Public Health and So-
16 cial Services Emergency Fund”, \$4,500,000,000, to re-
17 main available until September 30, 2022, to prevent, pre-
18 pare for, and respond to coronavirus, to reimburse the De-
19 partment of Veterans Affairs for expenses incurred by the
20 Veterans Affairs health care system to provide medical
21 care to civilians: *Provided*, That funds provided under this
22 paragraph shall be made available only if the Secretary
23 of Health and Human Services certifies to the Committees
24 on Appropriations of the House of Representatives and the
25 Senate that such funds are necessary to reimburse the De-

1 partment of Veterans Affairs for expenses incurred to pro-
2 vide health care to civilians: *Provided further*, That the
3 Secretary shall notify the Committees on Appropriations
4 of the House of Representatives and the Senate prior to
5 such certification: *Provided further*, That such amount is
6 designated by the Congress as being for an emergency re-
7 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
8 anced Budget and Emergency Deficit Control Act of 1985.

9 PUBLIC HEALTH EMERGENCY FUND

10 For an additional amount for the “Public Health
11 Emergency Fund”, \$5,000,000,000, to remain available
12 until expended, to prevent, prepare for, and respond to
13 coronavirus, to be deposited into the Public Health Emer-
14 gency Fund, as established under section 319(b) of the
15 Public Health Service Act: *Provided*, That products pur-
16 chased with funds appropriated under this heading in this
17 Act may, at the discretion of the Secretary of Health and
18 Human Services, be deposited in the Strategic National
19 Stockpile under section 319F–2 of the Public Health Serv-
20 ice Act: *Provided further*, That such amount is designated
21 by the Congress as being for an emergency requirement
22 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
23 et and Emergency Deficit Control Act of 1985 such
24 amount is designated by the Congress as being for an
25 emergency requirement pursuant to section

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

3 DEPARTMENT OF EDUCATION

4 STATE FISCAL STABILIZATION FUND

5 For an additional amount for “State Fiscal Stabiliza-
6 tion Fund”, \$50,000,000,000, to remain available until
7 September 30, 2022, to prevent, prepare for, and respond
8 to coronavirus: *Provided*, That the Secretary of Education
9 (referred to under this heading as “Secretary”) shall make
10 grants to the Governor of each State for support of ele-
11 mentary, secondary, and postsecondary education and, as
12 applicable, early childhood education programs and serv-
13 ices: *Provided further*, That of the amount made available,
14 the Secretary shall first allocate up to one-half of 1 per-
15 cent to the outlying areas and one-half of 1 percent to
16 the Bureau of Indian Education (BIE) for activities con-
17 sistent with this heading under such terms and conditions
18 as the Secretary may determine: *Provided further*, That
19 of the amount made available, the Secretary shall allocate
20 1 percent of funds to provide grants to States with the
21 highest coronavirus burden to support activities under this
22 heading: *Provided further*, That the Secretary shall issue
23 a notice inviting applications not later than 30 days of
24 enactment of this Act and approve or deny applications
25 not later than 30 days after receipt: *Provided further*, That

1 the Secretary may reserve up to \$30,000,000 for adminis-
2 tration and oversight of the activities under this heading:
3 *Provided further*, That the Secretary shall allocate 61 per-
4 cent of the remaining funds made available to carry out
5 this heading to the States on the basis of their relative
6 population of individuals aged 5 through 24 and allocate
7 39 percent on the basis of their relative number of children
8 counted under section 1124(c) of the Elementary and Sec-
9 ondary Education Act of 1965 (referred to under this
10 heading as “ESEA”) as State grants: *Provided further*,
11 That State grants shall support statewide elementary, sec-
12 ondary, and postsecondary activities; subgrants to local
13 educational agencies; and, subgrants to public institutions
14 of higher education: *Provided further*, That States shall
15 allocate not less than 30 percent of the funds received
16 under the sixth proviso as subgrants to local educational
17 agencies on the basis of their relative number of children
18 counted under section 1124(c) of the ESEA: *Provided fur-*
19 *ther*, That States shall allocate not less than 30 percent
20 of the funds received under the sixth proviso as subgrants
21 to public institutions of higher education on the basis of
22 the relative share of full-time equivalent students who re-
23 ceived Pell Grants at the institution in the previous award
24 year and of the total enrollment of full-time equivalent stu-
25 dents at the institution in the previous award year: *Pro-*

1 *vided further*, That the Governor shall return to the Sec-
2 retary any funds received that the Governor does not
3 award to local educational agencies and public institutions
4 of higher education or otherwise commit within two years
5 of receiving such funds, and the Secretary shall reallocate
6 such funds to the remaining States in accordance with the
7 sixth proviso: *Provided further*, That Governors shall use
8 State grants to maintain or restore State fiscal support
9 for elementary, secondary and postsecondary education:
10 *Provided further*, That funds for local educational agencies
11 may be used for any activity authorized by the ESEA, the
12 Individuals with Disabilities Education Act, the McKin-
13 ney-Vento Homeless Assistance Act (Title VII, Subpart
14 B), the Adult Education and Family Literacy Act or the
15 Carl D. Perkins Career and Technical Education Act of
16 2006 (“the Perkins Act”): *Provided further*, That a State
17 or local educational agency receiving funds under this
18 heading may use the funds for activities coordinated with
19 State, local, tribal, and territorial public health depart-
20 ments to detect, prevent, or mitigate the spread of infec-
21 tious disease or otherwise respond to coronavirus; support
22 online learning by purchasing educational technology and
23 internet access for students, which may include assistive
24 technology or adaptive equipment, that aids in regular and
25 substantive educational interactions between students and

1 their classroom instructor; provide ongoing professional
2 development to staff in how to effectively provide quality
3 online academic instruction; provide assistance for chil-
4 dren and families to promote equitable participation in
5 quality online learning; plan and implement activities re-
6 lated to summer learning, including providing classroom
7 instruction or quality online learning during the summer
8 months; plan for and coordinate during long-term clo-
9 sures, provide technology for quality online learning to all
10 students, and how to support the needs of low-income stu-
11 dents, racial and ethnic minorities, students with disabil-
12 ities, English learners, students experiencing homeless-
13 ness, and children in foster care, including how to address
14 learning gaps that are created or exacerbated due to long-
15 term closures; and other activities that are necessary to
16 maintain the operation of and continuity of services in
17 local educational agencies, including maintaining employ-
18 ment of existing personnel: *Provided further*, That a public
19 institution of higher education that receives funds under
20 this heading shall use funds for education and general ex-
21 penditures and grants to students for expenses directly re-
22 lated to coronavirus and the disruption of campus oper-
23 ations (which may include emergency financial aid to stu-
24 dents for food, housing, technology, health care, and child
25 care costs that shall not be required to be repaid by such

1 students) or for the acquisition of technology and services
2 directly related to the need for distance learning and the
3 training of faculty and staff to use such technology and
4 services (which shall not include paying contractors a por-
5 tion of tuition revenue or for pre-enrollment recruitment
6 activities): *Provided further*, That priority shall be given
7 to under-resourced institutions, institutions with high bur-
8 den due to the coronavirus, and institutions who do not
9 possess distance education capabilities at the time of en-
10 actment of this Act: *Provided further*, That an institution
11 of higher education may not use funds received under this
12 heading to increase its endowment or provide funding for
13 capital outlays associated with facilities related to ath-
14 letics, sectarian instruction, or religious worship: *Provided*
15 *further*, That funds may be used to support hourly work-
16 ers, such as education support professionals, classified
17 school employees, and adjunct and contingent faculty: *Pro-*
18 *vided further*, That a Governor of a State desiring to re-
19 ceive an allocation under this heading shall submit an ap-
20 plication at such time, in such manner, and containing
21 such information as the Secretary may reasonably require:
22 *Provided further*, That a State's application shall include
23 assurances that the State will maintain support for ele-
24 mentary and secondary education in fiscal year 2020, fis-
25 cal year 2021, and fiscal year 2022 at least at the level

1 of such support that is the average of such State's support
2 for elementary and secondary education in the 3 fiscal
3 years preceding the date of enactment of this Act: *Pro-*
4 *vided further*, That a State's application shall include as-
5 surances that the State will maintain State support for
6 higher education (not including support for capital
7 projects or for research and development or tuition and
8 fees paid by students) in fiscal year 2020, fiscal year
9 2021, and fiscal year 2022 at least at the level of such
10 support that is the average of such State's support for
11 higher education (which shall include State and local gov-
12 ernment funding to institutions of higher education and
13 state need-based financial aid) in the 3 fiscal years pre-
14 ceding the date of enactment of this Act: *Provided further*,
15 That in such application, the Governor shall provide base-
16 line data that demonstrates the State's current status in
17 each of the areas described in such assurances in the pre-
18 ceding provisos: *Provided further*, That a State's applica-
19 tion shall include assurances that the State will not con-
20 strue any provisions under this heading as displacing any
21 otherwise applicable provision of any collective-bargaining
22 agreement between an eligible entity and a labor organiza-
23 tion as defined by section 2(5) of the National Labor Rela-
24 tions Act (29 U.S.C. 152(5)) or analogous State law: *Pro-*
25 *vided further*, That a State's application shall include as-

1 surances that the State shall maintain the wages, benefits,
2 and other terms and conditions of employment set forth
3 in any collective-bargaining agreement between the eligible
4 entity and a labor organization, as defined in the pre-
5 ceding proviso: *Provided further*, That a State receiving
6 funds under this heading shall submit a report to the Sec-
7 retary, at such time and in such manner as the Secretary
8 may require, that describes the use of funds provided
9 under this heading: *Provided further*, That no recipient of
10 funds under this heading shall use funds to provide finan-
11 cial assistance to students to attend private elementary or
12 secondary schools, unless such funds are used to provide
13 special education and related services to children with dis-
14 abilities, as authorized by the Individuals with Disabilities
15 Education Act: *Provided further*, That the terms “elemen-
16 tary education” and “secondary education” have the
17 meaning given such terms under State law: *Provided fur-*
18 *ther*, That the term “institution of higher education” has
19 the meaning given such term in section 101 of the Higher
20 Education Act of 1965: *Provided further*, That the term
21 “fiscal year” shall have the meaning given such term
22 under State law: *Provided further*, That such amount is
23 designated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

1 SAFE SCHOOLS AND CITIZENSHIP EDUCATION

2 For an additional amount for “Safe Schools and Citi-
3 zenship Education”, to supplement funds otherwise avail-
4 able for the “Project School Emergency Response to Vio-
5 lence program”, \$200,000,000, to remain available until
6 September 30, 2020, to prevent, prepare for, and respond
7 to coronavirus, including to help elementary, secondary
8 and postsecondary schools clean and disinfect affected
9 schools, and assist in counseling and distance learning and
10 associated costs: *Provided*, That such amount is des-
11 ignated by the Congress as being for an emergency re-
12 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
13 anced Budget and Emergency Deficit Control Act of 1985.

14 GALLAUDET UNIVERSITY

15 For an additional amount for “Gallaudet University”,
16 \$7,000,000, to remain available until September 30, 2020,
17 to prevent, prepare for, and respond to coronavirus, in-
18 cluding to help defray the expenses (which may include
19 lost revenue, reimbursement for expenses already in-
20 curred, technology costs associated with a transition to
21 distance learning, faculty and staff trainings, and payroll)
22 directly caused by coronavirus and to enable grants to stu-
23 dents for expenses directly related to coronavirus and the
24 disruption of university operations (which may include
25 food, housing, transportation, technology, health care, and

1 HIGHER EDUCATION

2 For an additional amount for “Higher Education”,
3 \$9,500,000,000, to remain available until September 30,
4 2020, to prevent, prepare for, and respond to coronavirus,
5 including under parts A and B of title III, part A of title
6 V, subpart 4 of part A of title VII, and part B of title
7 VII of the Higher Education Act, which may be used to
8 defray expenses (including lost revenue, reimbursement
9 for expenses already incurred, technology costs associated
10 with a transition to distance education, faculty and staff
11 trainings, and payroll) incurred by institutions of higher
12 education and for grants to students for any component
13 of the student’s cost of attendance (as defined under sec-
14 tion 472 of the Higher Education Act), including food,
15 housing, course materials, technology, health care, and
16 child care as follows:

17 (1) \$1,500,000,000 for parts A and B of title
18 III, part A of title V, and subpart 4 of part A of
19 title VII to address needs directly related to
20 coronavirus: *Provided*, That the Secretary of Edu-
21 cation shall allow institutions to use prior awards
22 under the authorities covered by the preceding pro-
23 viso to prevent, prepare for, and respond to
24 coronavirus;

1 (2) \$8,000,000,000 for part B of title VII of
2 the Higher Education Act for institutions of higher
3 education (as defined in section 101 or 102(c) of the
4 Higher Education Act) to address needs directly re-
5 lated to coronavirus: *Provided*, That such funds shall
6 be available to the Secretary only for payments to
7 help defray the expenses incurred by such institu-
8 tions of higher education that were forced to close
9 campuses or alter delivery of instruction as a result
10 of coronavirus: *Provided further*, That any non-prof-
11 it, private institution of higher education that is not
12 otherwise eligible for a grant of at least \$1,000,000,
13 shall be eligible to receive an amount equal to which-
14 ever is lesser of the total loss of revenue and in-
15 creased costs associated with the coronavirus or
16 \$1,000,000: *Provided further*, That funds may be
17 used to make payments to such institutions to pro-
18 vide emergency grants to students who attend such
19 institutions for academic years beginning on or after
20 July 1, 2019:
21 *Provided further*, That such payments shall be made in
22 accordance with criteria established by the Secretary and
23 made publicly available without regard to section 437 of
24 the General Education Provisions Act, section 553 of title
25 5, United States Code, or part B of title VII of the HEA:

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

4 DEPARTMENTAL MANAGEMENT

5 PROGRAM ADMINISTRATION

6 For an additional amount for “Program Administra-
7 tion”, \$10,000,000, to remain available until September
8 30, 2020, to prevent, prepare for, and respond to
9 coronavirus: *Provided*, That such funds shall only be used
10 to support network bandwidth and capacity for telework
11 for Departmental staff and the cleaning of facilities as a
12 result of coronavirus: *Provided further*, That such amount
13 is designated by the Congress as being for an emergency
14 requirement pursuant to section 251(b)(2)(A)(i) of the
15 Balanced Budget and Emergency Deficit Control Act of
16 1985.

17 OFFICE OF THE INSPECTOR GENERAL

18 For an additional amount for the “Office of Inspector
19 General”, \$11,000,000, to remain available until Sep-
20 tember 30, 2022, to prevent, prepare for, and respond to
21 coronavirus, including for salaries and expenses necessary
22 for oversight and audit of programs, grants, and projects
23 funded in this Act to respond to coronavirus *Provided*,
24 That such amount is designated by the Congress as being
25 for an emergency requirement pursuant to section

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

3 RELATED AGENCIES

4 CORPORATION FOR NATIONAL AND COMMUNITY
5 SERVICE

6 For an additional amount for the “Corporation for
7 National and Community Service”, \$250,000,000, to re-
8 main available until September 30, 2020, to prevent, pre-
9 pare for, and respond to coronavirus: *Provided*, That such
10 amount is designated by the Congress as being for an
11 emergency requirement pursuant to section
12 251(b)(2)(A)(i) of the Balanced Budget and Emergency
13 Deficit Control Act of 1985.

14 ADMINISTRATIVE PROVISION—CORPORATION FOR
15 NATIONAL AND COMMUNITY SERVICE

16 SEC. 10801. (a)(1) The remaining unobligated bal-
17 ances of funds as of September 30, 2020, from amounts
18 provided to “Corporation for National and Community
19 Service—Operating Expenses” in title IV of Division A
20 of the Further Consolidated Appropriations Act, 2020
21 (Public Law 116–94), are hereby permanently rescinded.

22 (2) In addition to any amounts otherwise provided,
23 there is hereby appropriated on September 30, 2020, for
24 an additional amount for fiscal year 2020, an amount
25 equal to the unobligated balances rescinded pursuant to

1 paragraph (1): *Provided*, That amounts made available
2 pursuant to this paragraph shall remain available until
3 September 30, 2021, and shall be available for the same
4 purposes and under the same authorities that they were
5 originally made available in Public Law 116–94.

6 (b)(1) The remaining unobligated balances of funds
7 as of September 30, 2020, from amounts provided to
8 “Corporation for National and Community Service—Sala-
9 ries and Expenses” in title IV of Division A of the Further
10 Consolidated Appropriations Act, 2020 (Public Law 116–
11 94), are hereby permanently rescinded.

12 (2) In addition to any amounts otherwise provided,
13 there is hereby appropriated on September 30, 2020, for
14 an additional amount for fiscal year 2020, an amount
15 equal to the unobligated balances rescinded pursuant to
16 paragraph (1): *Provided*, That amounts made available
17 pursuant to this paragraph shall remain available until
18 September 30, 2021, and shall be available for the same
19 purposes and under the same authorities that they were
20 originally made available in Public Law 116–94.

21 (c)(1) The remaining unobligated balances of funds
22 as of September 30, 2020, from amounts provided to
23 “Corporation for National and Community Service—Of-
24 fice of Inspector General” in title IV of Division A of the

1 Further Consolidated Appropriations Act, 2020 (Public
2 Law 116–94), are hereby permanently rescinded.

3 (2) In addition to any amounts otherwise provided,
4 there is hereby appropriated on September 30, 2020, for
5 an additional amount for fiscal year 2020, an amount
6 equal to the unobligated balances rescinded pursuant to
7 paragraph (1): *Provided*, That amounts made available
8 pursuant to this paragraph shall remain available until
9 September 30, 2021, and shall be available for the same
10 purposes and under the same authorities that they were
11 originally made available in Public Law 116–94.

12 CORPORATION FOR PUBLIC BROADCASTING

13 For an additional amount for “Corporation for Public
14 Broadcasting”, \$300,000,000, to remain available until
15 September 30, 2020, to prevent, prepare for, and respond
16 to coronavirus, including for fiscal stabilization grants to
17 public telecommunications entities, with no deduction for
18 administrative or other costs of the Corporation, to main-
19 tain programming and services and preserve small and
20 rural stations threatened by declines in non-Federal reve-
21 nues, of which \$50,000,000 shall be used to support the
22 public television system: *Provided*, That such amount is
23 designated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

1 INSTITUTE OF MUSEUM AND LIBRARY SERVICES

2 For an additional amount for “Institute of Museum
3 and Library Services”, \$500,000,000, to remain available
4 until September 30, 2021, to prevent, prepare for, and re-
5 spond to coronavirus, including grants to States, muse-
6 ums, territories and tribes to expand digital network ac-
7 cess, purchase tablets and other internet-enabled devices,
8 for operational expenses, and provide technical support
9 services: *Provided*, That any matching funds requirements
10 for States, museums, or tribes are waived: *Provided fur-*
11 *ther*, That such amount is designated by the Congress as
12 being for an emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 RAILROAD RETIREMENT BOARD

16 LIMITATION ON ADMINISTRATION

17 For an additional amount for “Limitation on Admin-
18 istration”, \$10,000,000, to remain available until Sep-
19 tember 30, 2020, to prevent, prepare for, and respond to
20 coronavirus, including the purchase of information tech-
21 nology equipment to improve the mobility of the work-
22 force, and to provide for additional hiring or overtime
23 hours as needed to administer the Railroad Unemploy-
24 ment Insurance Act: *Provided*, That such amount is des-
25 ignated by the Congress as being for an emergency re-

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

3 SOCIAL SECURITY ADMINISTRATION

4 LIMITATION ON ADMINISTRATIVE EXPENSES

5 For an additional amount for “Limitation on Admin-
6 istrative Expenses”, \$510,000,000, to remain available
7 until September 30, 2021, for necessary expenses to pre-
8 vent, prepare for, and respond to coronavirus, including
9 paying the salaries and benefits of employees affected as
10 a result of office closures, telework, phone and commu-
11 nication services for employees, overtime costs, and sup-
12 plies, and for resources necessary for processing disability
13 and retirement workloads and backlogs, of which the
14 amount made available under this heading in this Act,
15 \$210,000,000 shall be for the purposes of issuing emer-
16 gency assistance payments: *Provided further*, That such
17 amount is designated by the Congress as being for an
18 emergency requirement pursuant to section
19 251(b)(2)(A)(i) of the Balanced Budget and Emergency
20 Deficit Control Act of 1985.

21 GENERAL PROVISIONS—THIS TITLE

22 SEC. 10802. Notwithstanding any other provision of
23 law, funds made available under each heading in this title
24 shall only be used for the purposes specifically described
25 under that heading.

1 SEC. 10803. (a) Funds appropriated in this title may
2 be made available to restore amounts, either directly or
3 through reimbursement, for obligations incurred by agen-
4 cies of the Department of Health and Human Services to
5 prevent, prepare for, and respond to coronavirus, domesti-
6 cally or internationally, prior to the date of enactment of
7 this Act. This subsection shall not apply to obligations in-
8 curred by the Infectious Diseases Rapid Response Reserve
9 Fund.

10 (b) Grants or cooperative agreements with States, lo-
11 calities, territories, tribes, tribal organizations, urban In-
12 dian health organizations, or health service providers to
13 tribes, under this title, to carry out surveillance, epidemi-
14 ology, laboratory capacity, infection control, mitigation,
15 communications, and other preparedness and response ac-
16 tivities to prevent, prepare for, and respond to coronavirus
17 shall include amounts to reimburse costs for these pur-
18 poses incurred between January 20, 2020, and the date
19 of enactment of this Act.

20 SEC. 10804. Funds appropriated by this title may be
21 used by the Secretary of the Health and Human Services
22 to appoint, without regard to the provisions of sections
23 3309 through 3319 of title 5 of the United States Code,
24 candidates needed for positions to perform critical work
25 relating to coronavirus for which—

1 (1) public notice has been given; and

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

4 SEC. 10805. Funds made available by this title may
5 be used to enter into contracts with individuals for the
6 provision of personal services (as described in section 104
7 of part 37 of title 48, Code of Federal Regulations (48
8 CFR 37.104)) to support the prevention of, preparation
9 for, or response to coronavirus, domestically and inter-
10 nationally, subject to prior notification to the Committees
11 on Appropriations of the House of Representatives and the
12 Senate: Provided, That such individuals may not be
13 deemed employees of the United States for the purpose
14 of any law administered by the Office of Personnel Man-
15 agement: Provided further, That the authority made avail-
16 able pursuant to this section shall expire on September
17 30, 2024.

18 SEC. 10806. Of the funds appropriated by this title
19 under the heading “Public Health and Social Services
20 Emergency Fund”, \$4,000,000 shall be transferred to,
21 and merged with, funds made available under the heading
22 “Office of the Secretary, Office of Inspector General”, and
23 shall remain available until expended, for oversight of ac-
24 tivities supported with funds appropriated to the Depart-
25 ment of Health and Human Services in this Act: *Provided,*

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

7 SEC. 10807. Of the funds provided under the heading
8 “CDC–Wide Activities and Program Support”,
9 \$1,000,000,000, to remain available until expended, shall
10 be available to the Director of the CDC for deposit in the
11 Infectious Diseases Rapid Response Reserve Fund estab-
12 lished by section 231 of division B of Public Law 115–
13 245.

14 SEC. 10808. (a) PREMIUM PAY AUTHORITY.—If
15 services performed by an employee of the Department of
16 Health and Human Services during fiscal year 2020 are
17 determined by the head of the agency to be primarily re-
18 lated to preparation, prevention, or response to SARS–
19 CoV–2 or another coronavirus with pandemic potential,
20 any premium pay for such services shall be disregarded
21 in calculating the aggregate of such employee’s basic pay
22 and premium pay for purposes of a limitation under sec-
23 tion 5547(a) of title 5, United States Code, or under any
24 other provision of law, whether such employee’s pay is
25 paid on a biweekly or calendar year basis.

1 (b) OVERTIME AUTHORITY.—Any overtime pay for
2 such services shall be disregarded in calculating any an-
3 nual limit on the amount of overtime pay payable in a
4 calendar or fiscal year.

5 (c) APPLICABILITY OF AGGREGATE LIMITATION ON
6 PAY.—With regard to such services, any pay that is dis-
7 regarded under either subsection (a) or (b) shall be dis-
8 regarded in calculating such employee’s aggregate pay for
9 purposes of the limitation in section 5307 of such title 5.

10 (d) LIMITATION OF PAY AUTHORITY.—

11 (1) Pay that is disregarded under subsection
12 (a) or (b) shall not cause the aggregate of the em-
13 ployee’s basic pay and premium pay for the applica-
14 ble calendar year to exceed the rate of basic pay
15 payable for a position at level II of the Executive
16 Schedule under section 5313 of title 5, United
17 States Code, as in effect at the end of such calendar
18 year.

19 (2) For purposes of applying this subsection to
20 an employee who would otherwise be subject to the
21 premium pay limits established under section 5547
22 of title 5, United States Code, “premium pay”
23 means the premium pay paid under the provisions of
24 law cited in section 5547(a).

1 (3) For purposes of applying this subsection to
2 an employee under a premium pay limit established
3 under an authority other than section 5547 of title
4 5, United States Code, the agency responsible for
5 administering such limit shall determine what pay-
6 ments are considered premium pay.

7 (e) EFFECTIVE DATE.—This section shall take effect
8 as if enacted on February 2, 2020.

9 (f) TREATMENT OF ADDITIONAL PAY.—If applica-
10 tion of this section results in the payment of additional
11 premium pay to a covered employee of a type that is nor-
12 mally creditable as basic pay for retirement or any other
13 purpose, that additional pay shall not—

14 (1) be considered to be basic pay of the covered
15 employee for any purpose; or

16 (2) be used in computing a lump-sum payment
17 to the covered employee for accumulated and ac-
18 crued annual leave under section 5551 or section
19 5552 of title 5, United States Code.

20 SEC. 10809. (a) Funds appropriated for “Depart-
21 ment of Health and Human Services—Centers for Disease
22 Control and Prevention—CDC—Wide Activities and Pro-
23 gram Support’” in title III of the Coronavirus Prepared-
24 ness and Response Supplemental Appropriations Act,
25 2020 (Public Law 116–123) shall be paid to “Department

1 of Homeland Security—Countering Weapons of Mass De-
2 struction Office—Federal Assistance” for costs incurred
3 under other transaction authority and related to screening
4 for coronavirus, domestically or internationally, including
5 costs incurred prior to the enactment of such Act.

6 (b) The amounts repurposed under subsection (a)
7 that were previously designated by the Congress as an
8 emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985 are designated by the Con-
11 gress as an emergency requirement pursuant to such sec-
12 tion of such Act.

13 TITLE IX—LEGISLATIVE BRANCH

14 SENATE

15 CONTINGENT EXPENSES OF THE SENATE

16 SERGEANT AT ARMS AND DOORKEEPER OF THE SENATE

17 For an additional amount for “Sergeant at Arms and
18 Doorkeeper of the Senate”, \$1,000,000, to remain avail-
19 able until expended, to prevent, prepare for, and respond
20 to coronavirus: *Provided*, That such amount is designated
21 by the Congress as being for an emergency requirement
22 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
23 et and Emergency Deficit Control Act of 1985.

1 MISCELLANEOUS ITEMS

2 For an additional amount for “Miscellaneous Items”,
3 \$9,000,000, to remain available until expended, to pre-
4 vent, prepare for, and respond to coronavirus: *Provided*,
5 That such amount is designated by the Congress as being
6 for an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 HOUSE OF REPRESENTATIVES

10 SALARIES AND EXPENSES

11 For an additional amount for “Salaries and Ex-
12 penses”, \$25,000,000, to remain available until September
13 30, 2021, except that \$5,000,000 shall remain available
14 until expended, for necessary expenses of the House of
15 Representatives to prevent, prepare for, and respond to
16 coronavirus, to be allocated in accordance with a spend
17 plan submitted to the Committee on Appropriations of the
18 House of Representatives by the Chief Administrative Of-
19 ficer and approved by such Committee: *Provided*, That
20 such amount is designated by the Congress as being for
21 an emergency requirement pursuant to section
22 251(b)(2)(A)(i) of the Balanced Budget and Emergency
23 Deficit Control Act of 1985.

1 JOINT ITEMS

2 OFFICE OF THE ATTENDING PHYSICIAN

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

10 CAPITOL POLICE

11 SALARIES

12 For an additional amount for “Salaries”,
13 \$12,000,000, to remain available until September 30,
14 2021, to prevent, prepare for, and respond to coronavirus:
15 *Provided*, That amounts provided in this paragraph may
16 be transferred between Capitol Police “Salaries” and
17 “General Expenses” for the purposes provided herein
18 without the approval requirement of section 1001 of the
19 Legislative Branch Appropriations Act, 2014 (2 U.S.C.
20 1907a): *Provided further*, That such amount is designated
21 by the Congress as being for an emergency requirement
22 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
23 et and Emergency Deficit Control Act of 1985.

1 ARCHITECT OF THE CAPITOL

2 CAPITAL CONSTRUCTION AND OPERATIONS

3 For an additional amount for “Capital Construction
4 and Operations”, \$25,000,000, to remain available until
5 September 30, 2021, for necessary expenses of the Archi-
6 tect of the Capitol to prevent, prepare for, and respond
7 to coronavirus, including the purchase and distribution of
8 cleaning and sanitation products throughout all facilities
9 and grounds under the care of the Architect of the Capitol,
10 wherever located, including any related services and oper-
11 ational costs: *Provided*, That such amount is designated
12 by the Congress as being for an emergency requirement
13 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
14 et and Emergency Deficit Control Act of 1985.

15 LIBRARY OF CONGRESS

16 SALARIES AND EXPENSES

17 For an additional amount for “Salaries and Ex-
18 penses”, \$700,000, to remain available until September
19 30, 2020, to be made available to the Little Scholars Child
20 Development Center, subject to approval by the Commit-
21 tees on Appropriations of the Senate and House of Rep-
22 resentatives, and the Senate Committee on Rules and Ad-
23 ministration, and the Committee on House Administra-
24 tion: *Provided*, That such amount is designated by the
25 Congress as being for an emergency requirement pursuant

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

3 GOVERNMENT ACCOUNTABILITY OFFICE

4 SALARIES AND EXPENSES

5 For an additional amount for “Salaries and Ex-
6 penses”, \$50,000,000, to remain available until expended,
7 for audits and investigations relating to coronavirus: *Pro-*
8 *vided*, That, not later than 90 days after the date of enact-
9 ment of this Act, the Government Accountability Office
10 shall submit to the Committees on Appropriations of the
11 House of Representatives and the Senate a spend plan
12 specifying funding estimates and a timeline for such au-
13 dits and investigations: *Provided further*, That such
14 amount is designated by the Congress as being for an
15 emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 GENERAL PROVISIONS—THIS TITLE

19 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
20 AND EXPENSES OF SENATE EMPLOYEE CHILD CARE
21 CENTER

22 SEC. 10901. The Secretary of the Senate shall reim-
23 burse the Senate Employee Child Care Center for per-
24 sonnel costs incurred starting on April 1, 2020, for em-
25 ployees of such Center who have been ordered to cease

1 working due to measures taken in the Capitol complex to
2 combat coronavirus, not to exceed \$84,000 per month,
3 from amounts in the appropriations account “MIS-
4 CELLANEOUS ITEMS” within the contingent fund of
5 the Senate.

6 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
7 AND EXPENSES OF LITTLE SCHOLARS CHILD DEVEL-
8 OPMENT CENTER

9 SEC. 10902. The Library of Congress shall reimburse
10 Little Scholars Child Development Center for salaries for
11 employees incurred from April 1, 2020, to September 30,
12 2020, for employees of such Center who have been ordered
13 to cease working due to measures taken in the Capitol
14 complex to combat coronavirus, not to exceed \$113,000
15 per month, from amounts in the appropriations account
16 “Library of Congress—Salaries and Expenses”.

17 SOURCE OF FUNDS USED FOR PAYMENT OF SALARIES
18 AND EXPENSES OF HOUSE OF REPRESENTATIVES
19 CHILD CARE CENTER

20 SEC. 10903. (a) AUTHORIZING USE OF REVOLVING
21 FUND OR APPROPRIATED FUNDS.—Section 312(d)(3)(A)
22 of the Legislative Branch Appropriations Act, 1992 (2
23 U.S.C. 2062(d)(3)(A)) is amended—

24 (1) in subparagraph (A), by striking the period
25 at the end and inserting the following: “, and, at the
26 option of the Chief Administrative Officer during an

1 emergency situation, the payment of the salary of
2 other employees of the Center.”; and

3 (2) by adding at the end the following new sub-
4 paragraph:

5 “(C) During an emergency situation, the pay-
6 ment of such other expenses for activities carried out
7 under this section as the Chief Administrative Offi-
8 cer determines appropriate.”.

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

12 PAYMENTS TO ENSURE CONTINUING AVAILABILITY OF
13 GOODS AND SERVICES DURING THE CORONAVIRUS
14 EMERGENCY

15 SEC. 10904. (a) AUTHORIZATION TO MAKE PAY-
16 MENTS.—Notwithstanding any other provision of law and
17 subject to subsection (b), during an emergency situation,
18 the Chief Administrative Officer of the House of Rep-
19 resentatives may make payments under contracts with
20 vendors providing goods and services to the House in
21 amounts and under terms and conditions other than those
22 provided under the contract in order to ensure that those
23 goods and services remain available to the House through-
24 out the duration of the emergency.

25 (b) CONDITIONS.—

1 (1) APPROVAL REQUIRED.—The Chief Adminis-
2 trative Officer may not make payments under the
3 authority of subsection (a) without the approval of
4 the Committee on House Administration of the
5 House of Representatives.

6 (2) AVAILABILITY OF APPROPRIATIONS.—The
7 authority of the Chief Administrative Officer to
8 make payments under the authority of subsection
9 (a) is subject to the availability of appropriations to
10 make such payments.

11 (c) APPLICABILITY.—This section shall apply with re-
12 spect to fiscal year 2020 and each succeeding fiscal year.

13 AUTHORIZING PAYMENTS UNDER SERVICE CONTRACTS
14 DURING THE CORONAVIRUS EMERGENCY

15 SEC. 10905. (a) AUTHORIZING PAYMENTS.—Not-
16 withstanding section 3324(a) of title 31, United States
17 Code, or any other provision of law and subject to sub-
18 section (b), if the employees of a contractor with a service
19 contract with the Architect of the Capitol are furloughed
20 or otherwise unable to work during closures, stop work
21 orders, or reductions in service arising from or related to
22 the impacts of coronavirus, the Architect of the Capitol
23 may continue to make the payments provided for under
24 the contract for the weekly salaries and benefits of such
25 employees for not more than 16 weeks.

1 (b) AVAILABILITY OF APPROPRIATIONS.—The au-
2 thority of the Architect of the Capitol to make payments
3 under the authority of subsection (a) is subject to the
4 availability of appropriations to make such payments.

5 (c) REGULATIONS.—The Architect of the Capitol
6 shall promulgate such regulations as may be necessary to
7 carry out this section.

8 MASS MAILINGS AS FRANKED MAIL

9 SEC. 10906. (a) WAIVER OF RESTRICTIONS TO RE-
10 SPOND TO THREATS TO LIFE SAFETY.—(1) Section
11 3210(a)(6)(D) of title 39, United States Code, is amended
12 by striking the period at the end of the first sentence and
13 inserting the following: “, and in the case of the Commis-
14 sion, to waive this paragraph in the case of mailings sent
15 in response to or to address threats to life safety.”.

16 (2) EFFECTIVE DATE.—The amendments made by
17 this subsection shall apply with respect to mailings sent
18 on or after the date of the enactment of this Act.

19 TECHNICAL CORRECTION

20 SEC. 10907. In the matter preceding the first proviso
21 under the heading “Library of Congress—Salaries and
22 Expenses” in division E of the Further Consolidated Ap-
23 propriations Act, 2020 (Public Law 116–94), strike
24 “\$504,164,000” and insert “\$510,164,000”.

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

8 For an additional amount for “General Operating
9 Expenses, Veterans Benefits Administration”,
10 \$13,000,000, to remain available until September 30,
11 2021, to prevent, prepare for, and respond to coronavirus:
12 *Provided*, That such amount is designated by the Congress
13 as being for an emergency requirement pursuant to sec-
14 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
15 gency Deficit Control Act of 1985.

16 VETERANS HEALTH ADMINISTRATION
17 MEDICAL SERVICES

18 For an additional amount for “Medical Services”,
19 \$14,432,000,000, to remain available until September 30,
20 2021, to prevent, prepare for, and respond to coronavirus,
21 including related impacts on health care delivery: *Pro-*
22 *vided*, That such amount is designated by the Congress
23 as being for an emergency requirement pursuant to sec-
24 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
25 gency Deficit Control Act of 1985.

1 MEDICAL COMMUNITY CARE

2 For an additional amount for “Medical Community
3 Care”, \$2,100,000,000, to remain available until Sep-
4 tember 30, 2021, to prevent, prepare for, and respond to
5 coronavirus, including related impacts on health care de-
6 livery: *Provided*, That such amount is designated by the
7 Congress as being for an emergency requirement pursuant
8 to section 251(b)(2)(A)(i) of the Balanced Budget and
9 Emergency Deficit Control Act of 1985.

10 MEDICAL SUPPORT AND COMPLIANCE

11 For an additional amount for “Medical Support and
12 Compliance”, \$100,000,000, to remain available until
13 September 30, 2021, to prevent, prepare for, and respond
14 to coronavirus, including related impacts on health care
15 delivery: *Provided*, That such amount is designated by the
16 Congress as being for an emergency requirement pursuant
17 to section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 MEDICAL FACILITIES

20 For an additional amount for “Medical Facilities”,
21 \$605,613,000, to remain available until September 30,
22 2021, to prevent, prepare for, and respond to coronavirus,
23 including related impacts on health care delivery: *Pro-*
24 *vided*, That such amount is designated by the Congress
25 as being for an emergency requirement pursuant to sec-

1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 DEPARTMENTAL ADMINISTRATION

4 GENERAL ADMINISTRATION

5 For an additional amount for “General Administra-
6 tion”, \$6,000,000, to remain available until September 30,
7 2021, to prevent, prepare for, and respond to coronavirus:
8 *Provided*, That such amount is designated by the Congress
9 as being for an emergency requirement pursuant to sec-
10 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
11 gency Deficit Control Act of 1985.

12 INFORMATION TECHNOLOGY SYSTEMS

13 For an additional amount for “Information Tech-
14 nology Systems”, \$3,000,000,000, to remain available
15 until September 30, 2021, to prevent, prepare for, and re-
16 spond to coronavirus, including related impacts on health
17 care delivery: *Provided*, That such amount is designated
18 by the Congress as being for an emergency requirement
19 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
20 et and Emergency Deficit Control Act of 1985.

21 OFFICE OF INSPECTOR GENERAL

22 For an additional amount for “Office of Inspector
23 General”, \$14,300,000, to remain available until Sep-
24 tember 30, 2022, for oversight of activities funded by this
25 title and administered by the Department of Veterans Af-

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

5 ARMED FORCES RETIREMENT HOME

6 TRUST FUND

7 For an additional amount for “Armed Forces Retire-
8 ment Home Trust Fund”, \$2,800,000, to remain available
9 until September 30, 2021, to prevent, prepare for, and re-
10 spond to coronavirus, to be paid from funds available in
11 the Armed Forces Retirement Home Trust Fund: *Pro-*
12 *vided*, That of the amounts made available under this
13 heading from funds available in the Armed Forces Retire-
14 ment Home Trust Fund, \$2,800,000 shall be paid from
15 the general fund of the Treasury to the Trust Fund: *Pro-*
16 *vided further*, That the Chief Executive Officer of the
17 Armed Forces Retirement Home shall submit to the Com-
18 mittees on Appropriations of the House of Representatives
19 and the Senate monthly reports detailing obligations, ex-
20 penditures, and planned activities: *Provided further*, That
21 such amount is designated by the Congress as being for
22 an emergency requirement pursuant to section
23 251(b)(2)(A)(i) of the Balanced Budget and Emergency
24 Deficit Control Act of 1985.

1 TITLE XI—DEPARTMENT OF STATE, FOREIGN
2 OPERATIONS, AND RELATED PROGRAMS

3 DEPARTMENT OF STATE

4 ADMINISTRATION OF FOREIGN AFFAIRS

5 DIPLOMATIC PROGRAMS

6 For an additional amount for “Diplomatic Pro-
7 grams”, \$315,000,000, to remain available until Sep-
8 tember 30, 2022, for necessary expenses to prevent, pre-
9 pare for, and respond to coronavirus, including for evacu-
10 ation expenses, emergency preparedness, and maintaining
11 consular operations: *Provided*, That such amount is des-
12 ignated by the Congress as being for an emergency re-
13 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
14 anced Budget and Emergency Deficit Control Act of 1985.

15 UNITED STATES AGENCY FOR INTERNATIONAL
16 DEVELOPMENT

17 FUNDS APPROPRIATED TO THE PRESIDENT

18 OPERATING EXPENSES

19 For an additional amount for “Operating Expenses”,
20 \$95,000,000, to remain available until September 30,
21 2022, for necessary expenses to prevent, prepare for, and
22 respond to coronavirus: *Provided*, That such amount is
23 designated by the Congress as being for an emergency re-
24 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
25 anced Budget and Emergency Deficit Control Act of 1985.

1 BILATERAL ECONOMIC ASSISTANCE
2 FUNDS APPROPRIATED TO THE PRESIDENT
3 INTERNATIONAL DISASTER ASSISTANCE

4 For an additional amount for “International Disaster
5 Assistance”, \$300,000,000, to remain available until ex-
6 pended, for necessary expenses to prevent, prepare for,
7 and respond to coronavirus: *Provided*, That such amount
8 is designated by the Congress as being for an emergency
9 requirement pursuant to section 251(b)(2)(A)(i) of the
10 Balanced Budget and Emergency Deficit Control Act of
11 1985.

12 DEPARTMENT OF STATE
13 MIGRATION AND REFUGEE ASSISTANCE

14 For an additional amount for “Migration and Ref-
15 ugee Assistance”, \$300,000,000, to remain available until
16 expended, for necessary expenses to prevent, prepare for,
17 and respond to coronavirus: *Provided*, That such amount
18 is designated by the Congress as being for an emergency
19 requirement pursuant to section 251(b)(2)(A)(i) of the
20 Balanced Budget and Emergency Deficit Control Act of
21 1985.

22 INDEPENDENT AGENCIES
23 PEACE CORPS

24 For an additional amount for “Peace Corps”,
25 \$90,000,000, to remain available until September 30,

1 2022, for necessary expenses to prevent, prepare for, and
2 respond to coronavirus: *Provided*, That such amount is
3 designated by the Congress as being for an emergency re-
4 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
5 anced Budget and Emergency Deficit Control Act of 1985.

6 GENERAL PROVISIONS — THIS TITLE

7 (INCLUDING TRANSFER OF FUNDS)

8 SEC. 11101. The authorities and limitations of sec-
9 tion 402 of the Coronavirus Preparedness and Response
10 Supplemental Appropriations Act (division A of Public
11 Law 116–123) shall apply to funds appropriated by this
12 title as follows:

13 (1) subsections (a), (d), (e) and (f) shall apply
14 to funds under the heading “Diplomatic Programs”;
15 and

16 (2) subsections (c), (d), (e), and (f) shall apply
17 to funds under the heading “International Disaster
18 Assistance”.

19 SEC. 11102. Funds appropriated by this title under
20 the headings “Diplomatic Programs”, “Operating Ex-
21 penses”, and “Peace Corps” may be used to reimburse
22 such accounts administered by the Department of State,
23 the United States Agency for International Development,
24 and the Peace Corps for obligations incurred to prevent,

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

3 SEC. 11103. Section 7064(a) of the Department of
4 State, Foreign Operations, and Related Programs Appro-
5 priations Act, 2020 (division G of Public Law 116–94),
6 is amended by striking “\$100,000,000” and inserting in
7 lieu thereof “\$110,000,000” , and by adding before the
8 period at the end the following “: *Provided*, That no
9 amounts may be used that were designated by the Con-
10 gress for Overseas Contingency Operations/Global War on
11 Terrorism pursuant to the Concurrent Resolution on the
12 Budget or the Balanced Budget and Emergency Deficit
13 Control Act of 1985”.

14 SEC. 11104. The reporting requirements of section
15 406(b) of the Coronavirus Preparedness and Response
16 Supplemental Appropriations Act, 2020 (division A of
17 Public Law 116–123) shall apply to funds appropriated
18 by this title: *Provided*, That the requirement to jointly
19 submit such reports shall not apply to the Director of the
20 Peace Corps: *Provided further*, That reports required by
21 such section may be consolidated and shall include infor-
22 mation on all funds made available to such executive agen-
23 cy to prevent, prepare for, and respond to coronavirus.

24 SEC. 11105. Notwithstanding any other provision of
25 law, and in addition to leave authorized under any other

1 provision of law, the Secretary of State, the Administrator
2 of the United States Agency for International Develop-
3 ment, or the head of another Federal agency with employ-
4 ees under Chief of Mission Authority, may, in order to
5 prevent, prepare for, and respond to coronavirus, provide
6 additional paid leave to address employee hardships result-
7 ing from coronavirus: *Provided*, That this authority shall
8 apply to leave taken since January 29, 2020, and may
9 be provided abroad and domestically: *Provided further*,
10 That the head of such agency shall consult with the Com-
11 mittee on Appropriations and the Committee on Foreign
12 Affairs of the House of Representatives and the Com-
13 mittee on Appropriations and the Committee on Foreign
14 Relations of the Senate prior to the initial implementation
15 of such authority: *Provided further*, That the authority
16 made available pursuant to this section shall expire on
17 September 30, 2022.

18 SEC. 11106. The Secretary of State, to prevent, pre-
19 pare for, and respond to coronavirus, may exercise the au-
20 thorities of section 3(j) of the State Department Basic Au-
21 thorities Act of 1956 (22 U.S.C. 2670(j)) to provide med-
22 ical services or related support for private United States
23 citizens, nationals, and permanent resident aliens abroad,
24 or third country nationals connected to United States per-
25 sons or the diplomatic or development missions of the

1 United States abroad who are unable to obtain such serv-
2 ices or support otherwise: *Provided*, That such assistance
3 shall be provided on a reimbursable basis to the extent
4 feasible: *Provided further*, That such reimbursements may
5 be credited to the applicable Department of State appro-
6 priation, to remain available until expended: *Provided fur-*
7 *ther*, That the Secretary shall prioritize providing medical
8 services or related support to individuals eligible for the
9 health program under section 904 of the Foreign Service
10 Act of 1980 (22 U.S.C. 4084): *Provided further*, That the
11 authority made available pursuant to this section shall ex-
12 pire on September 30, 2022.

13 SEC. 11107. Notwithstanding section 6(b) of the De-
14 partment of State Authorities Act of 2006 (Public Law
15 109–472), during fiscal years 2020 and 2021, passport
16 and immigrant visa surcharges collected in any fiscal year
17 pursuant to the fourth paragraph under the heading “Dip-
18 lomatic and Consular Programs” in title IV of the Consoli-
19 dated Appropriations Act, 2005 (division B of Public Law
20 108–447 (8 U.S.C. 1714)) may be obligated and expended
21 on the costs of providing consular services: *Provided*, That
22 such funds should be prioritized for American citizen serv-
23 ices.

24 SEC. 11108. The Secretary of State is authorized to
25 enter into contracts with individuals for the provision of

1 personal services (as described in section 104 of part 37
2 of title 48, Code of Federal Regulations and including pur-
3 suant to section 904 of the Foreign Service Act of 1980
4 (22 U.S.C. 4084)) to prevent, prepare for, and respond
5 to coronavirus, within the United States, subject to prior
6 consultation with, and the regular notification procedures
7 of, the Committee on Appropriations and the Committee
8 on Foreign Affairs of the House of Representatives and
9 the Committee on Appropriations and the Committee on
10 Foreign Relations of the Senate: *Provided*, That such indi-
11 viduals may not be deemed employees of the United States
12 for the purpose of any law administered by the Office of
13 Personnel Management: *Provided further*, That not later
14 than 15 days after utilizing this authority, the Secretary
15 of State shall provide a report to such committees on the
16 overall staffing needs for the Office of Medical Services:
17 *Provided further*, That the authority made available pursu-
18 ant to this section shall expire on September 30, 2022.

19 SEC. 11109. The matter under the heading “Emer-
20 gencies in the Diplomatic and Consular Service” in title
21 I of the Department of State, Foreign Operations, and
22 Related Programs Appropriations Act, 2020 (division G
23 of Public Law 116–94) is amended by striking
24 “\$1,000,000” and inserting in lieu thereof “\$5,000,000”.

1 SEC. 11110. The first proviso under the heading
2 “Millennium Challenge Corporation” in title III of the De-
3 partment of State, Foreign Operations, and Related Pro-
4 grams Appropriations Act, 2020 (division G of Public Law
5 116–94) is amended by striking “\$105,000,000” and in-
6 serting in lieu thereof “\$107,000,000”.

7 SEC. 11111. Notwithstanding any other provision of
8 law, any oath of office required by law may, in particular
9 circumstances that could otherwise pose health risks, be
10 administered remotely, subject to appropriate verification:
11 *Provided*, That prior to exercising the authority of this
12 section, the Secretary of State shall submit a report to
13 the Committee on Appropriations and the Committee on
14 Foreign Relations of the Senate and the Committee on
15 Appropriations and the Committee on Foreign Affairs of
16 the House of Representatives describing the process and
17 procedures for administering such oaths, including appro-
18 priate verification: *Provided further*, That the authority
19 made available pursuant to this section shall expire on
20 September 30, 2021.

21 SEC. 11112. (a) PURPOSES.—For purposes of
22 strengthening the ability of foreign countries to prevent,
23 prepare for, and respond to coronavirus and to the adverse
24 economic impacts of coronavirus, in a manner that would
25 protect the United States from the spread of coronavirus

1 and mitigate an international economic crisis resulting
2 from coronavirus that may pose a significant risk to the
3 economy of the United States, each paragraph of sub-
4 section (b) shall take effect upon enactment of this Act.

5 (b) CORONAVIRUS RESPONSES.—

6 (1) INTERNATIONAL DEVELOPMENT ASSOCIA-
7 TION REPLENISHMENT.—The International Develop-
8 ment Association Act (22 U.S.C. 284 et seq.) is
9 amended by adding at the end the following new sec-
10 tion:

11 **“SEC. 31. NINETEENTH REPLENISHMENT.**

12 “(a) IN GENERAL.—The United States Governor of
13 the International Development Association is authorized
14 to contribute on behalf of the United States
15 \$3,004,200,000 to the nineteenth replenishment of the re-
16 sources of the Association, subject to obtaining the nec-
17 essary appropriations.

18 “(b) AUTHORIZATION OF APPROPRIATIONS.—In
19 order to pay for the United States contribution provided
20 for in subsection (a), there are authorized to be appro-
21 priated, without fiscal year limitation, \$3,004,200,000 for
22 payment by the Secretary of the Treasury.”.

23 (2) INTERNATIONAL FINANCE CORPORATION
24 AUTHORIZATION.—The International Finance Cor-

1 poration Act (22 U.S.C. 282 et seq.) is amended by
2 adding at the end the following new section:

3 **“SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE**
4 **ARTICLES OF AGREEMENT.**

5 “(a) VOTES AUTHORIZED.—The United States Gov-
6 ernor of the Corporation is authorized to vote in favor of—

7 “(1) a resolution to increase the authorized cap-
8 ital stock of the Corporation by 16,999,998 shares,
9 to implement the conversion of a portion of the re-
10 tained earnings of the Corporation into paid-in cap-
11 ital, which will result in the United States being
12 issued an additional 3,771,899 shares of capital
13 stock, without any cash contribution;

14 “(2) a resolution to increase the authorized cap-
15 ital stock of the Corporation on a general basis by
16 4,579,995 shares; and

17 “(3) a resolution to increase the authorized cap-
18 ital stock of the Corporation on a selective basis by
19 919,998 shares.

20 “(b) AMENDMENT OF THE ARTICLES .—The United
21 States Governor of the Corporation is authorized to agree
22 to and accept an amendment to article II, section 2(c)(ii)
23 of the Articles of Agreement of the Corporation that would
24 increase the vote by which the Board of Governors of the
25 Corporation may increase the capital stock of the Corpora-

1 tion from a four-fifths majority to an eighty-five percent
2 majority.”.

3 (3) AFRICAN DEVELOPMENT BANK.—The Afri-
4 can Development Bank Act (22 U.S.C. 290i et seq.)
5 is amended by adding at the end the following new
6 section:

7 **“SEC. 1345. SEVENTH CAPITAL INCREASE.**

8 “(a) SUBSCRIPTION AUTHORIZED.—

9 “(1) IN GENERAL.—The United States Gov-
10 ernor of the Bank may subscribe on behalf of the
11 United States to 532,023 additional shares of the
12 capital stock of the Bank.

13 “(2) LIMITATION.—Any subscription by the
14 United States to the capital stock of the Bank shall
15 be effective only to such extent and in such amounts
16 as are provided in advance in appropriations Acts.

17 “(b) AUTHORIZATIONS OF APPROPRIATIONS.—

18 “(1) IN GENERAL.—In order to pay for the in-
19 crease in the United States subscription to the Bank
20 under subsection (a), there are authorized to be ap-
21 propriated, without fiscal year limitation,
22 \$7,286,587,008 for payment by the Secretary of the
23 Treasury.

24 “(2) SHARE TYPES.—Of the amount authorized
25 to be appropriated under paragraph (1)—

1 “(A) \$437,190,016 shall be for paid in
2 shares of the Bank; and

3 “(B) \$6,849,396,992 shall be for callable
4 shares of the Bank.”.

5 (4) AFRICAN DEVELOPMENT FUND.—The Afri-
6 can Development Fund Act (22 U.S.C. 290g et seq.)
7 is amended by adding at the end the following new
8 section:

9 **“SEC. 226. FIFTEENTH REPLENISHMENT.**

10 “(a) IN GENERAL.—The United States Governor of
11 the Fund is authorized to contribute on behalf of the
12 United States \$513,900,000 to the fifteenth replenish-
13 ment of the resources of the Fund, subject to obtaining
14 the necessary appropriations.

15 “(b) AUTHORIZATION OF APPROPRIATIONS.—In
16 order to pay for the United States contribution provided
17 for in subsection (a), there are authorized to be appro-
18 priated, without fiscal year limitation, \$513,900,000 for
19 payment by the Secretary of the Treasury.”.

20 (5) INTERNATIONAL MONETARY FUND AUTHOR-
21 IZATION FOR NEW ARRANGEMENTS TO BORROW.—

22 (A) IN GENERAL.—Section 17 of the
23 Bretton Woods Agreements Act (22 U.S.C.
24 286e-2) is amended—

25 (i) in subsection (a)—

1 (I) by redesignating paragraphs
2 (3), (4), and (5) as paragraphs (4),
3 (5), and (6), respectively;

4 (II) by inserting after paragraph
5 (2) the following new paragraph:

6 “(3) In order to carry out the purposes of a
7 one-time decision of the Executive Directors of the
8 International Monetary Fund (the Fund) to expand
9 the resources of the New Arrangements to Borrow,
10 established pursuant to the decision of January 27,
11 1997, referred to in paragraph (1), the Secretary of
12 the Treasury is authorized to make loans, in an
13 amount not to exceed the dollar equivalent of
14 28,202,470,000 of Special Drawing Rights, in addi-
15 tion to any amounts previously authorized under this
16 section, except that prior to activation of the New
17 Arrangements to Borrow, the Secretary of the
18 Treasury shall report to Congress whether supple-
19 mentary resources are needed to forestall or cope
20 with an impairment of the international monetary
21 system and whether the Fund has fully explored
22 other means of funding to the Fund.”; and

23 (III) in paragraph (5), as so re-
24 designated, by striking “paragraph
25 (3)” and inserting “paragraph (4)”.

1 (ii) in paragraph (6), as so redesignig-
2 nated, by striking “December 16, 2022”
3 and inserting “December 31, 2025”; and

4 (iii) in subsection (e)(1) by striking
5 “(a)(2),” each place such term appears
6 and inserting “(a)(2), (a)(3)”.

7 (B) The amounts provided by the amend-
8 ments made by this section are designated by
9 the Congress as being for an emergency re-
10 quirement pursuant to section 251(b)(2)(A)(i)
11 of the Balanced Budget and Emergency Deficit
12 Control Act of 1985.

13 TECHNICAL CORRECTIONS

14 SEC. 11113. (a) ENVIRONMENT COOPERATION COM-
15 MISSIONS; NORTH AMERICAN DEVELOPMENT BANK.—
16 Section 601 of the United States-Mexico-Canada Agree-
17 ment Implementation Act (Public Law 116–113; 134
18 Stat. 78) is amended by inserting “, other than sections
19 532 and 533 of such Act and part 2 of subtitle D of title
20 V of such Act (as amended by section 831 of this Act),”
21 before “is repealed”.

22 (b) PROTECTIVE ORDERS.—Section 422 of the
23 United States-Mexico-Canada Agreement Implementation
24 Act (134 Stat. 64) is amended in subsection (a)(2)(A) by
25 striking “all that follows through ‘, the administering au-

1 thority’” and inserting “all that follows through ‘Agree-
2 ment, the administering authority’”.

3 (c) DISPUTE SETTLEMENT.—Subsection (j) of sec-
4 tion 504 of the United States-Mexico-Canada Agreement
5 Implementation Act (134 Stat. 76) is amended in the item
6 proposed to be inserted into the table of contents of such
7 Act relating to section 414 by striking “determination”
8 and inserting “determinations”.

9 (d) EFFETIVE DATE.—Each amendment made by
10 this section shall take effect as if included in the enact-
11 ment of the United States-Mexico-Canada Agreement Im-
12 plementation Act.

13 (e) NORTH AMERICAN DEVELOPMENT BANK: LIM-
14 TATION ON CALLABLE CAPITAL SUBSCRIPTIONS.—The
15 Secretary of the Treasury may subscribe without fiscal
16 year limitation to the callable capital portion of the United
17 States share of capital stock of the North American Devel-
18 opment Bank in an amount not to exceed \$1,020,000,000.
19 The authority in the preceding sentence shall be in addi-
20 tion to any other authority provided by previous Acts.

21 (f) The amounts provided by the amendments made
22 by this section are designated by the Congress as being
23 for an emergency requirement pursuant to section
24 251(b)(2)(A)(i) of the Balanced Budget and Emergency
25 Deficit Control Act of 1985.

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

3 PAYMENT TO AIR CARRIERS

4 In addition to funds made available to the “Payment
5 to Air Carriers” program in Public Law 116–94 to carry
6 out the essential air service program under sections 41731
7 through 41742 of title 49, United States Code,
8 \$100,000,000, to be derived from the general fund and
9 made available to the Essential Air Service and Rural Im-
10 provement Fund, to remain available until expended: *Pro-*
11 *vided*, That in determining between or among carriers
12 competing to provide service to a community, the Sec-
13 retary may consider the relative subsidy requirements of
14 the carriers: *Provided further*, That basic essential air
15 service minimum requirements shall not include the 15-
16 passenger capacity requirement under section 41732(b)(3)
17 of such title: *Provided further*, That none of the funds in
18 this Act or any other Act shall be used to enter into a
19 new contract with a community located less than 40 miles
20 from the nearest small hub airport before the Secretary
21 has negotiated with the community over a local cost share:
22 *Provided further*, That amounts authorized to be distrib-
23 uted for the essential air service program under section
24 41742(b) of title 49, United States Code, shall be made
25 available from amounts otherwise provided to the Admin-

1 istrator of the Federal Aviation Administration: *Provided*
2 *further*, That the Administrator may reimburse such
3 amounts from fees credited to the account established
4 under section 45303 of such title: *Provided further*, That
5 such amount is designated by the Congress as being for
6 an emergency requirement pursuant to section
7 251(b)(2)(A)(i) of the Balanced Budget and Emergency
8 Deficit Control Act of 1985.

9 OFFICE OF AIRLINE INDUSTRY FINANCIAL OVERSIGHT

10 For the necessary expenses of the Office of Airline
11 Industry Financial Oversight, as authorized in section 301
12 of title III of division R of the Take Responsibility for
13 Workers and Families Act, \$3,000,000: Provided, That
14 such amount is designated by the Congress as being for
15 an emergency requirement pursuant to section
16 251(b)(2)(A)(i) of the Balanced Budget and Emergency
17 Deficit Control Act of 1985.

18 AIRLINE ASSISTANCE TO RECYCLE AND SAVE PROGRAM

19 For the necessary expenses of the Airline Assistance
20 to Recycle and Save Program, as authorized in section 702
21 of title VII of division R of the Take Responsibility for
22 Workers and Families Act, \$1,000,000,000 to remain
23 available until expended: Provided, That such amount is
24 designated by the Congress as being for an emergency re-

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

3 PANDEMIC RELIEF FOR AVIATION WORKERS

4 For necessary expenses for providing pandemic relief
5 for aviation workers, \$40,000,000,000, to remain available
6 until September 30, 2021 of which \$37,000,000,000 shall
7 be for the purposes authorized in section 101(a)(1)(A) of
8 title I of division R of the Take Responsibility for Workers
9 and Families Act, and \$3,000,000,000, shall be for the
10 purposes authorized in section 101(a)(1)(B) of title I of
11 division R of the Take Responsibility for Workers and
12 Families Act: *Provided*, That such amount is designated
13 by the Congress as being for an emergency requirement
14 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
15 et and Emergency Deficit Control Act of 1985.

16 In addition, for the cost of making direct loans and
17 loan guarantees in accordance with the terms and condi-
18 tions in sections 101–103 and 105 of title I of division
19 R of the Take Responsibility for Workers and Families
20 Act, such sums as may be necessary to remain available
21 until September 30, 2021: *Provided*, That such costs, in-
22 cluding the cost of modifying such loans, shall be defined
23 by section 502 of the Congressional Budget Act of 1974:
24 *Provided further*, That subject to section 502 of the Con-
25 gressional Budget Act of 1974, during fiscal years 2020

1 and 2021, the aggregate sum of the principle for direct
2 loans and guaranteed loans shall not exceed
3 \$21,000,000,000: *Provided further*, That such amount is
4 designated by the Congress as being for an emergency re-
5 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
6 anced Budget and Emergency Deficit Control Act of 1985.

7 FEDERAL AVIATION ADMINISTRATION

8 OPERATIONS

9 (AIRPORT AND AIRWAY TRUST FUND)

10 Of the amounts made available from the Airport and
11 Airway Trust Fund for “Federal Aviation Administra-
12 tion—Operations” in title XI of subdivision 1 of division
13 B of the Bipartisan Budget Act of 2018 (Public Law 115–
14 123), not more than \$25,000,000 may be used to prevent,
15 prepare for, and respond to coronavirus: *Provided*, That
16 amounts repurposed under this heading in this Act that
17 were previously designated by the Congress as an emer-
18 gency requirement pursuant to the Balanced Budget and
19 Emergency Deficit Control Act of 1985 are designated by
20 the Congress as an emergency requirement pursuant to
21 section 251(b)(2)(A)(i) of the Balanced Budget and
22 Emergency Deficit Control Act of 1985.

23 GRANTS-IN-AID FOR AIRPORTS

24 For an additional amount for “Grants-In-Aid for Air-
25 ports”, to enable the Secretary of Transportation to make

1 grants in accordance with the terms and conditions in sec-
2 tion 401 of title IV division R of the Take Responsibility
3 for Workers and Families Act, \$10,000,000,000, to re-
4 main available until expended: *Provided*, That amounts
5 made available under this heading in this Act shall be de-
6 rived from the general fund: *Provided further*, That such
7 amount is designated by the Congress as being for an
8 emergency requirement pursuant to section
9 251(b)(2)(A)(i) of the Balanced Budget and Emergency
10 Deficit Control Act of 1985.

11 RESEARCH, ENGINEERING, AND DEVELOPMENT

12 For an additional amount for “Research, Engineer-
13 ing, and Development”, as authorized in section 705 of
14 title VII of division R of the Take Responsibility for Work-
15 ers and Families Act, \$100,000,000, to remain available
16 until expended: *Provided*, That such amount is designated
17 by the Congress as being for an emergency requirement
18 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
19 et and Emergency Deficit Control Act of 1985.

20 FEDERAL MOTOR CARRIER SAFETY ADMINISTRATION

21 MOTOR CARRIER SAFETY OPERATIONS AND PROGRAMS

22 Of prior year unobligated contract authority and liq-
23 uidating cash provided for Motor Carrier Safety in the
24 Transportation Equity Act for the 21st Century (Public
25 Law 105–178), SAFETEA–LU (Public Law 109–59), or

1 any other Act, in addition to amounts already appro-
2 priated in fiscal year 2020 for “Motor Carrier Safety Op-
3 erations and Programs” \$150,000 in additional obligation
4 limitation is provided and repurposed for obligations in-
5 curred to support activities to prevent, prepare for, and
6 respond to coronavirus: *Provided*, That such amount is
7 designated by the Congress as being for an emergency re-
8 quirement pursuant to section 251(b)(2)(A)(i) of the Bal-
9 anced Budget and Emergency Deficit Control Act of 1985.

10 FEDERAL RAILROAD ADMINISTRATION

11 SAFETY AND OPERATIONS

12 For an additional amount for “Safety and Oper-
13 ations”, \$250,000, to remain available until September
14 30, 2021, to prevent, prepare for, and respond to
15 coronavirus: *Provided*, That such amount is designated by
16 the Congress as being for an emergency requirement pur-
17 suant to section 251(b)(2)(A)(i) of the Balanced Budget
18 and Emergency Deficit Control Act of 1985.

19 NORTHEAST CORRIDOR GRANTS TO THE NATIONAL

20 RAILROAD PASSENGER CORPORATION

21 (INCLUDING TRANSFER OF FUNDS)

22 For an additional amount for “Northeast Corridor
23 Grants to the National Railroad Passenger Corporation”,
24 \$492,000,000, to remain available until September 30,
25 2021, to prevent, prepare for, and respond to coronavirus,

1 including to enable the Secretary of Transportation to
2 make or amend existing grants to the National Railroad
3 Passenger Corporation for activities associated with the
4 Northeast Corridor as authorized by section 11101(a) of
5 the Fixing America’s Surface Transportation Act (division
6 A of Public Law 114–94): *Provided*, That amounts made
7 available under this heading in this Act may be trans-
8 ferred to and merged with “National Network Grants to
9 the National Railroad Passenger Corporation” to prevent,
10 prepare for, and respond to coronavirus: *Provided further*,
11 That such amount is designated by the Congress as being
12 for an emergency requirement pursuant to section
13 251(b)(2)(A)(i) of the Balanced Budget and Emergency
14 Deficit Control Act of 1985.

15 NATIONAL NETWORK GRANTS TO THE NATIONAL
16 RAILROAD PASSENGER CORPORATION
17 (INCLUDING TRANSFER OF FUNDS)

18 For an additional amount for “National Network
19 Grants to the National Railroad Passenger Corporation”,
20 \$526,000,000, to remain available until September 30,
21 2021, to prevent, prepare for, and respond to coronavirus,
22 including to enable the Secretary of Transportation to
23 make or amend existing grants to the National Railroad
24 Passenger Corporation for activities associated with the
25 National Network as authorized by section 11101(b) of

1 the Fixing America’s Surface Transportation Act (division
2 A of Public Law 114–94): *Provided*, That a State shall
3 not be required to pay the National Railroad Passenger
4 Corporation more than 80 percent of the amount paid in
5 fiscal year 2019 under section 209 of the Passenger Rail
6 Investment and Improvement Act of 2008 (Public Law
7 110–432) and that not less than \$239,000,000 of the
8 amounts made available under this heading in this Act
9 shall be made available for use in lieu of any increase in
10 a State’s payment: *Provided further*, That amounts made
11 available under this heading in this Act may be trans-
12 ferred to and merged with the “Northeast Corridor Grants
13 to the National Railroad Passenger Corporation” to pre-
14 vent, prepare for, and respond to coronavirus: *Provided*
15 *further*, That such amount is designated by the Congress
16 as being for an emergency requirement pursuant to sec-
17 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
18 gency Deficit Control Act of 1985.

19 FEDERAL TRANSIT ADMINISTRATION

20 TRANSIT INFRASTRUCTURE GRANTS

21 For an additional amount for “Transit Infrastructure
22 Grants” \$25,000,000,000, to remain available until Sep-
23 tember 30, 2021, to prevent, prepare for, and respond to
24 coronavirus: *Provided*, That the Secretary of Transpor-
25 tation shall provide funds appropriated under this heading

1 in this Act as if such funds were provided under section
2 5307 of title 49, United States Code, and apportion such
3 funds in accordance with section 5336 of such title (other
4 than subsections (h)(1) and (h)(4)), sections 5311, 5337,
5 and 5340 of title 49, United States Code, and apportion
6 such funds in accordance with such sections, except that
7 funds apportioned under section 5337 shall be added to
8 funds apportioned under section 5307 for administration
9 under section 5307: *Provided further*, That the Secretary
10 shall allocate the amounts provided in the preceding pro-
11 viso under sections 5307, 5311, 5337, and 5340 of title
12 49, United States Code, among such sections in the same
13 ratio as funds were provided in the fiscal year 2020 appor-
14 tionments: *Provided further*, That funds apportioned
15 under this heading shall be apportioned not later than 7
16 days after the date of enactment of this Act: *Provided fur-*
17 *ther*, That funds shall be apportioned using the fiscal year
18 2020 apportionment formulas: *Provided further*, That not
19 more than three-quarters of 1 percent of the funds for
20 transit infrastructure grants shall be available for admin-
21 istrative expenses and ongoing program management over-
22 sight as authorized under sections 5334 and 5338(f)(2)
23 of title 49, United States Code, and shall be in addition
24 to any other appropriations for such purpose: *Provided*
25 *further*, That notwithstanding subsection (a)(1) or (b) of

1 section 5307 of title 49, United States Code, funds pro-
2 vided under this heading are available for the operating
3 expenses of transit agencies related to the response to a
4 public health emergency as described in section 319 of the
5 Public Health Service Act, including, beginning on Janu-
6 ary 31, 2020, reimbursement for operating costs to main-
7 tain service and lost revenue due to the public health
8 emergency, the purchase of personal protective equipment,
9 and paying the administrative leave of operations per-
10 sonnel due to reductions in service: *Provided further*, That
11 such operating expenses are not required to be included
12 in a transportation improvement program, long-range
13 transportation, statewide transportation plan, or a state-
14 wide transportation improvement program: *Provided fur-*
15 *ther*, That the Secretary shall not waive the requirements
16 of section 5333 of title 49, United States Code, for funds
17 appropriated under this heading or for funds previously
18 made available under section 5307 of title 49, United
19 States Code, or sections 5311, 5337, or 5340 of such title
20 as a result of the coronavirus: *Provided further*, That un-
21 less otherwise specified, applicable requirements under
22 chapter 53 of title 49, United States Code, shall apply to
23 funding made available under this heading, except that the
24 Federal share of the costs for which any grant is made
25 under this heading shall be, at the option of the recipient,

1 up to 100 percent: *Provided further*, That the amount
2 made available under this heading shall be derived from
3 the general fund and shall not be subject to any limitation
4 on obligations for transit programs set forth in any Act:
5 *Provided further*, That such amount is designated by the
6 Congress as being for an emergency requirement pursuant
7 to section 251(b)(2)(A)(i) of the Balanced Budget and
8 Emergency Deficit Control Act of 1985.

9 MARITIME ADMINISTRATION

10 OPERATIONS AND TRAINING

11 For an additional amount for “Operations and Train-
12 ing”, \$3,134,000, to remain available until September 30,
13 2021, to prevent, prepare for, and respond to coronavirus:
14 *Provided*, That of the amounts made available under this
15 heading in this Act, \$1,000,000 shall be for the operations
16 of the United States Merchant Marine Academy: *Provided*
17 *further*, That such amount is designated by the Congress
18 as being for an emergency requirement pursuant to sec-
19 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
20 gency Deficit Control Act of 1985.

21 OFFICE OF INSPECTOR GENERAL

22 SALARIES AND EXPENSES

23 For an additional amount for “Office of Inspector
24 General”, \$5,000,000, to remain available through Sep-
25 tember 30, 2021: *Provided*, That the amount made avail-

1 able under this heading in this Act shall be for necessary
2 expenses of the Office of Inspector General to carry out
3 the provisions of the Inspector General Act of 1978, as
4 amended: *Provided further*, That the amounts made avail-
5 able under this heading in this Act shall be used to con-
6 duct audits and investigations of activities carried out with
7 amounts made available in this Act to the Department of
8 Transportation to prevent, prepare for, and respond to
9 coronavirus: *Provided further*, That the Inspector General
10 shall have all the necessary authority, in carrying out the
11 duties specified in the Inspector General Act, as amended
12 (5 U.S.C. App 3), to investigate allegations of fraud, in-
13 cluding false statements to the Government (18 U.S.C.
14 1001), by any person or entity that is subject to regulation
15 by the Department of Transportation: *Provided further*,
16 That such amount is designated by the Congress as being
17 for an emergency requirement pursuant to section
18 251(b)(2)(A)(i) of the Balanced Budget and Emergency
19 Deficit Control Act of 1985.

20 GENERAL PROVISIONS—DEPARTMENT OF

21 TRANSPORTATION

22 SEC. 12101. For amounts made available by this Act
23 under the headings “Northeast Corridor Grants to the Na-
24 tional Railroad Passenger Corporation” and “National
25 Network Grants to the National Railroad Passenger Cor-

1 poration”, the Secretary of Transportation may not waive
2 the requirements under section 24312 of title 49, United
3 States Code, and section 24305(f) of title 49, United
4 States Code: *Provided*, That for amounts made available
5 by this Act under such headings the Secretary shall re-
6 quire the National Railroad Passenger Corporation to
7 comply with the Railway Retirement Act of 1974 (45
8 U.S.C. 231 et seq.), the Railway Labor Act (45 U.S.C.
9 151 et seq.), and the Railroad Unemployment Insurance
10 Act (45 U.S.C. 351 et seq.): *Provided further*, That not
11 later than 7 days after the date of enactment of this Act
12 and each subsequent 7 days thereafter, the Secretary shall
13 notify the House and Senate Committees on Appropria-
14 tions, the Committee on Transportation and Infrastruc-
15 ture of the House of Representatives, and the Committee
16 on Commerce, Science, and Transportation of the Senate
17 of any National Railroad Passenger Corporation employee
18 furloughs as a result of efforts to prevent, prepare for,
19 and respond to coronavirus: *Provided further*, That in the
20 event of any National Railroad Passenger Corporation em-
21 ployee furloughs as a result of efforts to prevent, prepare
22 for, and respond to coronavirus, the Secretary shall re-
23 quire the National Railroad Passenger Corporation to pro-
24 vide such employees the opportunity to be recalled to their
25 previously held positions as intercity passenger rail service

1 is restored to March 1, 2020 levels and not later than the
2 date on which intercity passenger rail service has been
3 fully restored to March 1, 2020 levels.

4 DEPARTMENT OF HOUSING AND URBAN
5 DEVELOPMENT

6 MANAGEMENT AND ADMINISTRATION

7 ADMINISTRATIVE SUPPORT OFFICES

8 For an additional amount for “Administrative Sup-
9 port Offices”, \$10,000,000, to remain available until Sep-
10 tember 30, 2021, to prevent, prepare for, and respond to
11 coronavirus: *Provided*, That such amount is designated by
12 the Congress as being for an emergency requirement pur-
13 suant to section 251(b)(2)(A)(i) of the Balanced Budget
14 and Emergency Deficit Control Act of 1985.

15 PROGRAM OFFICES

16 For an additional amount for “Program Offices”,
17 \$10,000,000, to remain available until September 30,
18 2030, to prevent, prepare for, and respond to coronavirus:
19 *Provided*, That of the sums appropriated under this head-
20 ing in this Act—

21 (1) \$2,500,000 shall be available for the Office
22 of Public and Indian Housing;

23 (2) \$5,000,000 shall be available for the Office
24 of Community Planning and Development; and

1 (3) \$2,500,000 shall be available for the Office
2 of Housing:

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

7 PUBLIC AND INDIAN HOUSING

8 TENANT-BASED RENTAL ASSISTANCE

9 For an additional amount for “Tenant-Based Rental
10 Assistance”, \$1,500,000,000, to remain available until ex-
11 pended, to provide additional funds for public housing
12 agencies to maintain operations and take other necessary
13 actions to prevent, prepare for, and respond to
14 coronavirus: *Provided*, That of the amounts made avail-
15 able under this heading in this Act, \$1,000,000,000 shall
16 be available for additional administrative and other ex-
17 penses of public housing agencies in administering their
18 section 8 programs, including Mainstream vouchers, in re-
19 sponse to coronavirus: *Provided further*, That such other
20 expenses shall be new eligible activities to be defined by
21 the Secretary and shall be activities to support or maintain
22 the health and safety of assisted individuals and families,
23 and costs related to retention and support of current par-
24 ticipating landlords: *Provided further*, That amounts made
25 available under paragraph (3) of this heading in division

1 H of the Further Consolidated Appropriations Act, 2020
2 (Public Law 116–94) may be used for the other expenses
3 as described in the preceding proviso in addition to their
4 other available uses: *Provided further*, That of the
5 amounts made available under this heading in this Act,
6 \$500,000,000 shall be available for adjustments in the cal-
7 endar year 2020 section 8 renewal funding allocations, in-
8 cluding Mainstream vouchers, for public housing agencies
9 that experience a significant increase in voucher per-unit
10 costs due to extraordinary circumstances or that, despite
11 taking reasonable cost savings measures, as determined by
12 the Secretary, would otherwise be required to terminate
13 rental assistance for families as a result of insufficient
14 funding: *Provided further*, That the Secretary shall allo-
15 cate amounts provided in the preceding proviso based on
16 need, as determined by the Secretary: *Provided further*,
17 That for any amounts provided under this heading in prior
18 Acts for tenant-based rental assistance contracts, includ-
19 ing necessary administrative expenses, under section 811
20 of the Cranston-Gonzalez National Affordable Housing
21 Act (42 U.S.C. 8013) that remain available for this pur-
22 pose after funding renewals and administrative expenses,
23 the Secretary shall award no less than 50 percent of the
24 remaining amounts for the same purpose within 60 days
25 of enactment of this Act: *Provided further*, That the Sec-

1 retary may waive, or specify alternative requirements for,
2 any provision of any statute or regulation that the Sec-
3 retary administers in connection with the use of the
4 amounts made available under this heading and the same
5 heading of Public Law 116–94 (except for requirements
6 related to fair housing, nondiscrimination, labor stand-
7 ards, and the environment), upon a finding by the Sec-
8 retary that any such waivers or alternative requirements
9 are necessary for the safe and effective administration of
10 these funds to prevent, prepare for, and respond to
11 coronavirus: *Provided further*, That the Secretary shall no-
12 tify the public through the Federal Register or other ap-
13 propriate means to ensure the most expeditious allocation
14 of this funding of any such waiver or alternative require-
15 ment in order for such waiver or alternative requirement
16 to take effect, and that such public notice may be provided
17 at a minimum on the Internet at the appropriate Govern-
18 ment web site or through other electronic media, as deter-
19 mined by the Secretary: *Provided further*, That any such
20 waivers or alternative requirements shall remain in effect
21 for the time and duration specified by the Secretary in
22 such public notice and may be extended if necessary upon
23 additional notice by the Secretary: *Provided further*, That
24 such amount is designated by the Congress as being for
25 an emergency requirement pursuant to section

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

3 PUBLIC HOUSING OPERATING FUND

4 For an additional amount for “Public Housing Oper-
5 ating Fund” for 2020 payments to public housing agen-
6 cies for the operation and management of public housing,
7 as authorized by section 9(e) of the United States Housing
8 Act of 1937 (42 U.S.C. 1437g(e)), \$720,000,000, to re-
9 main available until September 30, 2021: *Provided*, That
10 such amount shall be combined with the amount appro-
11 priated for the same purpose under the same heading of
12 Public Law 116–94, and distributed to all public housing
13 agencies pursuant to the Operating Fund formula at part
14 990 of title 24, Code of Federal Regulations: *Provided fur-*
15 *ther*, That for the period from the enactment of this Act
16 through December 31, 2020, such combined total amount
17 may be used for eligible activities under subsections (d)(1)
18 and (e)(1) of such section 9 and for other expenses to pre-
19 vent, prepare for, and respond to coronavirus, including
20 activities to support or maintain the health and safety of
21 assisted individuals and families, and activities to support
22 education and child care for impacted families: *Provided*
23 *further*, That amounts made available under the headings
24 “Public Housing Operating Fund” and “Public Housing
25 Capital Fund” in prior Acts, except for any set-asides list-

1 ed under such headings, may be used for all of the pur-
2 poses described in the preceding proviso: *Provided further*,
3 That the expanded uses and funding flexibilities described
4 in the previous two provisos shall be available to all public
5 housing agencies through December 31, 2020, except that
6 the Secretary may extend the period under which such
7 flexibilities shall be available in additional 12 month incre-
8 ments upon a finding that individuals and families as-
9 sisted by the public housing program continue to require
10 expanded services due to the coronavirus pandemic: *Pro-*
11 *vided further*, That the Secretary may waive, or specify
12 alternative requirements for, any provision of any statute
13 or regulation that the Secretary administers in connection
14 with the use of such combined total amount of funds made
15 available under the headings “Public Housing Operating
16 Fund” and “Public Housing Capital Fund” in prior Acts
17 (except for requirements related to fair housing, non-
18 discrimination, labor standards, and the environment),
19 upon a finding by the Secretary that any such waivers or
20 alternative requirements are necessary for the safe and ef-
21 fective administration of these funds to prevent, prepare
22 for, and respond to coronavirus: *Provided further*, That the
23 Secretary shall notify the public through the Federal Reg-
24 ister or other appropriate means to ensure the most expe-
25 ditious allocation of this funding of any such waiver or

1 alternative requirement in order for such waiver or alter-
2 native requirement to take effect, and that such public no-
3 tice may be provided at a minimum on the Internet at
4 the appropriate Government web site or through other
5 electronic media, as determined by the Secretary: *Provided*
6 *further*, That any such waivers or alternative requirements
7 shall remain in effect for the time and duration specified
8 by the Secretary in such public notice and may be ex-
9 tended if necessary upon additional notice by the Sec-
10 retary: *Provided further*, That amounts repurposed under
11 this heading that were previously designated by the Con-
12 gress as an emergency requirement pursuant to the Bal-
13 anced Budget and Emergency Deficit Control Act of 1985
14 are designated by the Congress as an emergency require-
15 ment pursuant to section 251(b)(2)(A)(i) of the Balanced
16 Budget and Emergency Deficit Control Act of 1985 *Pro-*
17 *vided further*, That such amount is designated by the Con-
18 gress as being for an emergency requirement pursuant to
19 section 251(b)(2)(A)(i) of the Balanced Budget and
20 Emergency Deficit Control Act of 1985.

21 NATIVE AMERICAN PROGRAMS

22 For an additional amount for “Native American Pro-
23 grams”, \$350,000,000, to remain available until Sep-
24 tember 30, 2024, to prevent, prepare for, and respond to
25 coronavirus, of which—

1 (1) \$250,000,000 shall be for the Native Amer-
2 ican Housing Block Grants program, as authorized
3 under title I of the Native American Housing Assist-
4 ance and Self-Determination Act of 1996
5 (“NAHASDA”) (25 U.S.C. 4111 et seq.): *Provided*,
6 That amounts made available in this paragraph shall
7 be distributed according to the same funding for-
8 mula used in fiscal year 2020: *Provided further*,
9 That such amounts may be used to cover the cost
10 of and reimbursement of allowable costs to prevent,
11 prepare for, and respond to coronavirus incurred by
12 a recipient regardless of the date on which such
13 costs were incurred: *Provided further*, That the Sec-
14 retary may waive, or specify alternative require-
15 ments for, any provision of any statute or regulation
16 that the Secretary administers in connection with
17 the use of amounts made available in this paragraph
18 and in paragraph (1) under this heading in division
19 H of the Further Consolidated Appropriations Act,
20 2020 (Public Law 116–94) (except for requirements
21 related to fair housing, nondiscrimination, labor
22 standards, and the environment), upon a finding by
23 the Secretary that any such waivers or alternative
24 requirements are necessary to expedite or facilitate
25 the use of such amounts, including to prevent, pre-

1 pare for, and respond to coronavirus: *Provided fur-*
2 *ther*, That any such waivers shall apply retroactively
3 to activities to prevent, prepare for, and respond to
4 coronavirus carried out with any amounts described
5 in the preceding proviso; and

6 (2) \$100,000,000 shall be for grants to Indian
7 tribes for carrying out the Indian Community Devel-
8 opment Block Grant program, as authorized under
9 title I of the Housing and Community Development
10 Act of 1974 (42 U.S.C. 5301 et seq.) with respect
11 to Indian tribes for use to respond to emergencies
12 that constitute imminent threats to health and safe-
13 ty: *Provided*, That, notwithstanding section
14 106(a)(1) of such Act, the Secretary shall prioritize,
15 without competition, allocations of such amounts for
16 activities and projects to prevent, prepare for, and
17 respond to coronavirus: *Provided further*, That not
18 to exceed 20 percent of any grant made with
19 amounts made available in this paragraph shall be
20 expended for planning and management development
21 and administration: *Provided further*, That such
22 amounts may be used to cover the cost of and reim-
23 bursement of allowable costs to prevent, prepare for,
24 and respond to coronavirus incurred by a recipient
25 regardless of the date on which such costs were in-

1 curred: *Provided further*, That, notwithstanding sec-
2 tion 105(a)(8) of the Housing and Community De-
3 velopment Act of 1974 (42 U.S.C. 5301 et seq.),
4 there shall be no percent limitation on the use of
5 amounts for public services activities to prevent, pre-
6 pare for, and respond to coronavirus: *Provided fur-*
7 *ther*, That the preceding proviso shall apply to all
8 such activities funded with amounts made available
9 in this paragraph and in paragraph (4) under this
10 heading in division H of the Further Consolidated
11 Appropriations Act, 2020 (Public Law 116–94):
12 *Provided further*, That the Secretary may waive, or
13 specify alternative requirements for, any provision of
14 any statute or regulation that the Secretary admin-
15 isters in connection with the use of amounts made
16 available in this paragraph and in paragraph (4)
17 under this heading in division H of the Further Con-
18 solidated Appropriations Act, 2020 (Public Law
19 116–94) (except for requirements related to fair
20 housing, nondiscrimination, labor standards, and the
21 environment), upon a finding by the Secretary that
22 any such waivers or alternative requirements are
23 necessary to expedite or facilitate the use of such
24 amounts, including to prevent, prepare for, and re-
25 spond to coronavirus: *Provided further*, That any

1 such waivers shall apply retroactively to activities to
2 prevent, prepare for, and respond to coronavirus car-
3 ried out with any amounts described in the pre-
4 ceding proviso:

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

9 COMMUNITY PLANNING AND DEVELOPMENT

10 HOUSING OPPORTUNITIES FOR PERSONS WITH AIDS

11 For an additional amount for carrying out the
12 “Housing Opportunities for Persons with AIDS” pro-
13 gram, as authorized by the AIDS Housing Opportunity
14 Act (42 U.S.C. 12901 et seq.), \$130,000,000, to remain
15 available until September 30, 2021, except that amounts
16 allocated pursuant to section 854(c)(5) of such Act shall
17 remain available until September 30, 2022, to provide ad-
18 ditional funds to maintain operations and for rental assist-
19 ance, supportive services, and other necessary actions, in
20 order to prevent, prepare for, and respond to the
21 coronavirus: *Provided*, That not less than \$100,000,000
22 of the amount provided under this heading in this Act
23 shall be allocated pursuant to the formula in section 854
24 of such Act using the same data elements as utilized pur-
25 suant to that same formula in fiscal year 2020: *Provided*

1 *further*, That up to \$20,000,000 of the amount provided
2 under this heading in this Act shall be to provide an addi-
3 tional one-time, non-renewable award to grantees cur-
4 rently administering existing contracts for permanent sup-
5 portive housing that initially were funded under section
6 854(c)(5) of such Act from funds made available under
7 this heading in fiscal year 2010 and prior years: *Provided*
8 *further*, That such awards shall be made proportionally to
9 their existing grants: *Provided further*, That, notwith-
10 standing section 858(b)(3)(B) of such Act (42 U.S.C.
11 12907(b)(3)(B)), housing payment assistance for rent,
12 mortgage, or utilities payments may be provided for a pe-
13 riod of up to 24 months: *Provided further*, That such
14 awards are not required to be spent on permanent sup-
15 portive housing: *Provided further*, That, to protect persons
16 who are living with HIV/AIDS, such amounts provided
17 under this heading in this Act may be used to self-isolate,
18 quarantine, or to provide other coronavirus infection con-
19 trol services as recommended by the Centers for Disease
20 Control and Prevention for household members not living
21 with HIV/AIDS: *Provided further*, That such amounts
22 may be used to provide relocation services, including to
23 provide lodging at hotels, motels, or other locations in
24 order to satisfy the objectives of the preceding proviso:
25 *Provided further*, That, notwithstanding section 856(g) of

1 such Act (42 U.S.C. 12905(g)), a grantee may use up to
2 6 percent of its award under this Act for administrative
3 purposes, and a project sponsor may use up to 10 percent
4 of its sub-award under this Act for administrative pur-
5 poses: *Provided further*, That such amounts provided
6 under this heading in this Act may be used to reimburse
7 allowable costs consistent with the purposes of this head-
8 ing incurred by a grantee or project sponsor regardless
9 of the date on which such costs were incurred: *Provided*
10 *further*, That any regulatory waivers the Secretary may
11 issue may be deemed to be effective as of the date a grant-
12 ee began preparing for coronavirus: *Provided further*, That
13 any additional activities or authorities authorized under
14 this heading in this Act may also apply at the discretion
15 and upon notice of the Secretary to all amounts made
16 available under this same heading in Public Law 116–94
17 if such amounts are used by grantees for the purposes de-
18 scribed under this heading: *Provided further*, That up to
19 2 percent of amounts made available under this heading
20 in this Act may be used, without competition, to increase
21 prior awards made to existing technical assistance pro-
22 viders to provide an immediate increase in capacity build-
23 ing and technical assistance available to grantees under
24 this heading and under the same heading in prior Acts:
25 *Provided further*, That such amount is designated by the

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

4 COMMUNITY DEVELOPMENT FUND

5 For an additional amount for “Community Develop-
6 ment Fund”, \$15,000,000,000, for assistance under the
7 community development block grant program under title
8 I of the Housing and Community Development Act of
9 1974 (42 U.S.C. 5301 et seq.) to prevent, prepare for,
10 and respond to coronavirus, to remain available until Sep-
11 tember 30, 2022: *Provided*, That up to \$8,000,000,000
12 of the amount made available under this heading shall be
13 distributed pursuant to section 106 of such Act (42 U.S.C.
14 5306) to grantees that received allocations pursuant to
15 that same formula in fiscal year 2020, and that such allo-
16 cations shall be made within 30 days of enactment of this
17 Act: *Provided further*, That, in addition to amounts allo-
18 cated pursuant to the preceding proviso, an additional
19 \$5,000,000,000 shall be allocated directly to States to pre-
20 vent, prepare for, and respond to coronavirus within the
21 State, including activities within entitlement and non-
22 entitlement communities, based on public health needs,
23 risk of transmission of coronavirus, number of coronavirus
24 cases compared to the national average, and economic and
25 housing market disruptions, and other factors, as deter-

1 mined by the Secretary, using best available data and that
2 such allocations shall be made within 45 days of enact-
3 ment of this Act: *Provided further*, That any remaining
4 amounts shall be distributed directly to the State or unit
5 of general local government, at the discretion of the Sec-
6 retary, according to a formula based on factors to be de-
7 termined by the Secretary, prioritizing risk of trans-
8 mission of coronavirus, number of coronavirus cases com-
9 pared to the national average, and economic and housing
10 market disruptions resulting from coronavirus: *Provided*
11 *further*, That such allocations may be made on a rolling
12 basis as additional needs develop and data becomes avail-
13 able: *Provided further*, That the Secretary shall make all
14 such allocations based on the best available data at the
15 time of allocation: *Provided further*, That amounts made
16 available in the preceding provisos may be used to reim-
17 burse allowable costs consistent with the purposes of this
18 heading in this Act incurred by a State or locality regard-
19 less of the date on which such costs were incurred: *Pro-*
20 *vided further*, That section 116(b) of such Act (42 U.S.C.
21 5316(b)) and any implementing regulations, which require
22 grantees to submit their final statements of activities no
23 later than August 16 of a given fiscal year, shall not apply
24 to final statements submitted in accordance with sections
25 104(a)(2) and (a)(3) of such Act (42 U.S.C. 5304(a)(2))

1 and (a)(3)) and comprehensive housing affordability strat-
2 egies submitted in accordance with section 105 of the
3 Cranston-Gonzalez National Affordable Housing Act (42
4 U.S.C. 12705) for fiscal years 2019 and 2020: *Provided*
5 *further*, That such final statements and comprehensive
6 housing affordability strategies shall instead be submitted
7 not later than August 16, 2021: *Provided further*, That
8 the Secretary may waive, or specify alternative require-
9 ments for, any provision of any statute or regulation that
10 the Secretary administers in connection with the use of
11 amounts made available under this heading and for fiscal
12 years 2019 and 2020 (except for requirements related to
13 fair housing, nondiscrimination, labor standards, and the
14 environment), if the Secretary finds that good cause exists
15 for the waiver or alternative requirement and such waiver
16 or alternative requirement would not be inconsistent with
17 the overall purpose of title I of the Housing and Commu-
18 nity Development Act of 1974 , including for the purposes
19 of addressing the impact of coronavirus: *Provided further*,
20 That any such waiver or alternative requirement shall not
21 take effect before the expiration of the 5-day period that
22 begins on the date on which the Secretary notifies the pub-
23 lic through the Federal Register or other appropriate
24 means, including by means of the Internet at the appro-
25 priate Government web site or through other electronic

1 media, as determined by the Secretary: *Provided further*,
2 That of the amounts made available under this heading,
3 up to \$10,000,000 shall be made available for capacity
4 building and technical assistance to support the use of
5 such amounts to expedite or facilitate infectious disease
6 response: *Provided further*, That, notwithstanding sections
7 104(a)(2), (a)(3), and (c) of the Housing and Community
8 Development Act of 1974 (42 U.S.C. 5304(a)(2), (a)(3),
9 and (c)) and section 105 of the Cranston-Gonzalez Na-
10 tional Affordable Housing Act (42 U.S.C. 12705), a
11 grantee may not be required to amend its statement of
12 activities in order to engage in activities to prevent, pre-
13 pare, and respond to coronavirus or the economic and
14 housing disruption caused by such virus, but shall make
15 public a report within 180 days of the end of the crisis
16 which fully accounts for those activities: *Provided further*,
17 That a grantee may not be required to hold in-person pub-
18 lic hearings in connection with citizen participation plan,
19 but shall provide citizens with notice and a reasonable op-
20 portunity to comment of no less than 15 days: *Provided*
21 *further*, That such procedures shall apply to grants from
22 amounts made available under this heading and for fiscal
23 years 2019 and 2020: *Provided further*, That, during the
24 period that national or local health authorities recommend
25 social distancing and limiting public gatherings for public

1 health reasons, a grantee may carry out virtual public
2 hearings to fulfill applicable public hearing requirements
3 for all grants from funds made available under this head-
4 ing in this and prior Acts: *Provided further*, That any such
5 virtual hearings shall provide reasonable notification and
6 access for citizens in accordance with the grantee's certifi-
7 cations, timely responses from local officials to all citizen
8 questions and issues, and public access to all questions
9 and responses: *Provided further*, That, notwithstanding
10 subsection 105(a)(8) of the Housing and Community De-
11 velopment Act of 1974 (42 U.S.C. 5305(a)(8)), there shall
12 be no percent limitation for the use of funds for public
13 services activities to prevent, prepare, and respond to
14 coronavirus or the economic and housing disruption
15 caused by it: *Provided further*, That the preceding proviso
16 shall apply to all such activities carried out with grants
17 of funds made available under this heading and for fiscal
18 years 2019 and 2020: *Provided further*, That the Sec-
19 retary shall ensure there are adequate procedures in place
20 to prevent any duplication of benefits as defined by section
21 312 of the Robert T. Stafford Disaster Relief and Emer-
22 gency Assistance Act (42 U.S.C. 5155) and act in accord-
23 ance with section 1210 of the Disaster Recovery Reform
24 Act of 2018 (division D of Public Law 115–254; 132 Stat.
25 3442) and section 312 of the Robert T. Stafford Disaster

1 Relief and Emergency Assistance Act (42 U.S.C. 5115):
2 *Provided further*, That such amount is designated by the
3 Congress as being for an emergency requirement pursuant
4 to section 251(b)(2)(A)(i) of the Balanced Budget and
5 Emergency Deficit Control Act of 1985.

6 HOMELESS ASSISTANCE GRANTS

7 For an additional amount for “Homeless Assistance
8 Grants”, \$5,000,000,000, to remain available until Sep-
9 tember 30, 2022, for the Emergency Solutions Grants pro-
10 gram as authorized under subtitle B of title IV of the
11 McKinney-Vento Homeless Assistance Act (42 U.S.C.
12 11371 et seq.), as amended, to prevent, prepare for, and
13 respond to coronavirus among individuals and families
14 who are homeless, receiving homeless assistance, or at risk
15 of homelessness and to support additional homeless assist-
16 ance and homelessness prevention activities to mitigate the
17 impacts created by coronavirus: *Provided*, That up to
18 \$1,500,000,000 of the amount appropriated under this
19 heading in this Act shall be distributed pursuant to 24
20 CFR 576.3 to grantees that received allocations pursuant
21 to that same formula in fiscal year 2020, and that such
22 allocations shall be made within 30 days of enactment of
23 this Act: *Provided further*, That, in addition to amounts
24 allocated in the preceding proviso, an additional
25 \$1,500,000,000 shall be allocated directly to a State or

1 unit of general local government by a formula to be devel-
2 oped by the Secretary and that such allocations shall be
3 made within 45 days of enactment of this Act: *Provided*
4 *further*, That such formula shall allocate such amounts for
5 the benefit of unsheltered homeless, sheltered homeless,
6 and those at risk of homelessness to geographical areas
7 with the greatest need based on the risk of increasing
8 transmission of coronavirus, rising rates of sheltered and
9 unsheltered homelessness, and disruptions to economic
10 and housing markets and other factors, as determined by
11 the Secretary: *Provided further*, That not less than every
12 60 days thereafter, the Secretary shall allocate a minimum
13 of an additional \$500,000,000: *Provided further*, That
14 amounts in the preceding proviso shall be allocated by a
15 formula to be developed by the Secretary which takes into
16 consideration the factors contained in the third proviso
17 under this heading, in addition to the best available data
18 on the number of coronavirus cases and disruptions in eco-
19 nomic and housing markets, and other factors as deter-
20 mined by the Secretary: *Provided further*, That such
21 amounts may be used to reimburse allowable costs con-
22 sistent with the purposes of this heading incurred by a
23 State or locality regardless of the date on which such costs
24 were incurred: *Provided further*, That individuals and fam-
25 ilies who are very low-income (as such term is defined in

1 section 3(b) of the United States Housing Act of 1937
2 (42 U.S.C. 1437a(b)) shall be considered “at risk of home-
3 lessness” and eligible for homelessness prevention assist-
4 ance if they meet the criteria in subparagraphs (B) and
5 (C) of section 401(1) of the McKinney-Vento Homeless
6 Act (42 U.S.C. 11360(1)(B) and (C)): *Provided further*,
7 That any individuals and families who are low-income (as
8 such term is defined in section 3(b) of the United States
9 Housing Act of 1937 (42 U.S.C. 1437a(b)) shall be eligi-
10 ble for rental assistance: *Provided further*, That recipients
11 may deviate from applicable procurement standards when
12 procuring goods and services consistent with the purposes
13 of this heading: *Provided further*, That a recipient may
14 use up to 10 percent of its allocation for administrative
15 purposes: *Provided further*, That the use of such amounts
16 shall not be subject to the consultation, citizen participa-
17 tion, or match requirements that otherwise apply to the
18 Emergency Solutions Grants program, except that a re-
19 cipient must publish how it has and will utilize its alloca-
20 tion at a minimum on the Internet at the appropriate Gov-
21 ernment web site or through other electronic media: *Pro-*
22 *vided further*, That the spending cap established pursuant
23 to section 415(b) of the McKinney-Vento Homeless Act
24 (42 U.S.C. 11374) shall not apply to such amounts: *Pro-*
25 *vided further*, That such amounts may be used to provide

1 temporary emergency shelters (through leasing of existing
2 property, temporary structures, or other means) for the
3 purposes described under this heading, and that such tem-
4 porary emergency shelters shall not be subject to the min-
5 imum periods of use required by section 416(c)(1) of such
6 Act (42 U.S.C. 11375(c)(1)): *Provided further*, That Fed-
7 eral habitability and environmental review standards and
8 requirements shall not apply to the use of such amounts
9 for those temporary emergency shelters that have been de-
10 termined by Federal, State, or local health officials to be
11 necessary to prevent and mitigate the spread of
12 coronavirus: *Provided further*, That such amounts may be
13 used for training on infectious disease prevention and
14 mitigation and to provide hazard pay, including for time
15 worked prior to enactment of this Act, for staff working
16 directly to prevent and mitigate the spread of coronavirus
17 among persons who are homeless or at risk of homeless-
18 ness, and that such activities shall not be considered ad-
19 ministrative costs for purposes of the 10 percent cap: *Pro-*
20 *vided further*, That in administering the amounts made
21 available under this heading in this Act, the Secretary may
22 waive, or specify alternative requirements for, any provi-
23 sion of any statute or regulation (except for any require-
24 ments related to fair housing, nondiscrimination, labor
25 standards, and the environment) that the Secretary ad-

1 ministers in connection with the obligation or use by the
2 recipient of these amounts, if the Secretary finds that
3 good cause exists for the waiver or alternative requirement
4 and such waiver or alternative requirement is consistent
5 with the purposes described under this heading: *Provided*
6 *further*, That any such waivers shall be deemed to be effec-
7 tive as of the date a State or unit of local government
8 began preparing for coronavirus and shall apply to the use
9 of amounts provided under this heading and amounts pro-
10 vided under the same heading in fiscal year 2020 used
11 by recipients for the purposes described under this head-
12 ing: *Provided further*, That the Secretary shall notify the
13 public through the Federal Register or other appropriate
14 means, 5 days before the effective date, of any such waiver
15 or alternative requirement, and that such public notice
16 may be provided on the Internet at the appropriate Gov-
17 ernment web site or through other electronic media, as
18 determined by the Secretary: *Provided further*, That up
19 to 1 percent of amounts made available under this heading
20 in this Act may be used to increase prior awards made
21 to existing technical assistance providers with experience
22 in providing health care services in order to provide an
23 immediate increase in capacity building and technical as-
24 sistance to recipients of the Emergency Solutions Grants
25 program under this heading and under the same heading

1 in fiscal years 2018, 2019 and 2020: *Provided further*,
2 That none of the funds provided under this heading may
3 be used to require people experiencing homelessness to re-
4 ceive treatment or perform any other prerequisite activi-
5 ties as a condition for receiving shelter, housing, or other
6 services: *Provided further*, That such amount is designated
7 by the Congress as being for an emergency requirement
8 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
9 et and Emergency Deficit Control Act of 1985.

10 EMERGENCY RENTAL ASSISTANCE

11 For and additional amount for “Emergency Rental
12 Assistance”, as authorized in section 104 of title I of divi-
13 sion I of the Take Responsibility for Workers and Families
14 Act, \$100,000,000,000, to remain available until ex-
15 pended: *Provided*, That such amount is designated by the
16 Congress as being for an emergency requirement pursuant
17 to section 251(b)(2)(A)(i) of the Balanced Budget and
18 Emergency Deficit Control Act of 1985.

19 HOUSING ASSISTANCE FUND

20 For an additional amount for the “Housing Assist-
21 ance Fund”, as authorized in section 107 of title I of divi-
22 sion I of the Take Responsibility for Workers and Families
23 Act, \$35,000,000,000, to remain available until expended:
24 *Provided*, That such amount is designated by the Congress
25 as being for an emergency requirement pursuant to sec-

1 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
2 gency Deficit Control Act of 1985.

3 HOUSING PROGRAMS

4 ASSISTED HOUSING STABILITY

5 For an additional amount for assistance to owners
6 or sponsors of properties receiving project-based assist-
7 ance pursuant to section 202 of the Housing Act of 1959
8 (12 U.S.C. 17012), section 811 of the Cranston-Gonzalez
9 National Affordable Housing Act (42 U.S.C. 8013), or
10 section 8 of the United States Housing Act of 1937, as
11 amended, (42 U.S.C. 1437f), \$1,100,000,000, to remain
12 available until expended, unless otherwise specified: *Pro-*
13 *vided*, That such amounts shall be used to prevent, pre-
14 pare for, and respond to coronavirus: *Provided further*,
15 That of the amounts made available under this heading
16 in this Act:

17 (1) \$1,000,000,000 shall be for “Project-Based
18 Rental Assistance” to supplement funds already
19 available for expiring or terminating section 8
20 project-based subsidy contracts (including section 8
21 moderate rehabilitation contracts), for amendments
22 to section 8 project-based subsidy contracts (includ-
23 ing section 8 moderate rehabilitation contracts), for
24 contracts entered into pursuant to section 441 of the
25 McKinney-Vento Homeless Assistance Act (42

1 U.S.C. 11401), for renewal of section 8 contracts for
2 units in projects that are subject to approved plans
3 of action under the Emergency Low Income Housing
4 Preservation Act of 1987 or the Low-Income Hous-
5 ing Preservation and Resident Homeownership Act
6 of 1990, and for administrative and other expenses
7 associated with project-based activities and assist-
8 ance funded under this paragraph;

9 (2) \$75,000,000, to remain available until Sep-
10 tember 30, 2022, shall be for “Housing for the El-
11 derly” to supplement funds already available for
12 project rental assistance for the elderly under section
13 202(c)(2) of such Housing Act of 1959, including
14 amendments to contracts for such assistance and re-
15 newal of expiring contracts for such assistance for
16 up to a 1-year term, for senior preservation rental
17 assistance contracts, including renewals, as author-
18 ized by section 811(e) of the American Housing and
19 Economic Opportunity Act of 2000, as amended,
20 and for supportive services associated with the hous-
21 ing for the elderly as authorized by such section
22 202: *Provided further*, That funds made available
23 under this paragraph shall be used to provide emer-
24 gency assistance for continuation of contracts for
25 project rental assistance and amendment to such

1 contracts, supportive services, existing service coordi-
2 nators, one-time grants to hire additional service co-
3 ordinators, other staffing, rent supports, and emer-
4 gency preparedness relating to coronavirus; and

5 (3) \$25,000,000, to remain available until Sep-
6 tember 30, 2023, shall be for “Housing for Persons
7 with Disabilities” to supplement funds already avail-
8 able for project rental assistance for supportive
9 housing for persons with disabilities under section
10 811(d)(2) of such Cranston-Gonzalez National Af-
11 fordable Housing Act, for project assistance con-
12 tracts pursuant to section 202(h) of the Housing
13 Act of 1959 (Public Law 86–372; 73 Stat. 667), in-
14 cluding amendments to contracts for such assistance
15 and renewal of expiring contracts for such assistance
16 for up to a 1-year term, for project rental assistance
17 to State housing finance agencies and other appro-
18 priate entities as authorized under section 811(b)(3)
19 of the Cranston-Gonzalez National Housing Act, and
20 for supportive services associated with the housing
21 for persons with disabilities as authorized by section
22 811(b)(1) of such Act:

23 *Provided further*, That for the purposes of addressing the
24 impact of coronavirus, the Secretary may waive, or specify
25 alternative requirements for, any provision of any statute

1 or regulation that the Secretary administers in connection
2 with the use of amounts made available under this heading
3 in this Act (except for requirements related to fair hous-
4 ing, nondiscrimination, labor standards, and the environ-
5 ment) upon a finding by the Secretary that any such waiv-
6 ers or alternative requirements are necessary to expedite
7 or facilitate the use of such amounts: *Provided further,*
8 That the Secretary shall notify the public through the
9 Federal Register or other appropriate means of any such
10 waiver or alternative requirement in order for such waiver
11 or alternative requirement to take effect, and that such
12 public notice may be provided at minimum on the Internet
13 at the appropriate Government web site or through other
14 electronic media, as determined by the Secretary: *Provided*
15 *further,* That up to 1 percent of the amounts provided
16 under paragraphs (1), (2) and (3) may be used to make
17 new awards or increase prior awards made to existing
18 technical assistance providers, without competition, to pro-
19 vide an immediate increase in capacity building and tech-
20 nical assistance available to recipients of amounts identi-
21 fied in the preceding proviso, to remain available until
22 September 30, 2024: *Provided further,* That such amount
23 is designated by the Congress as being for an emergency
24 requirement pursuant to section 251(b)(2)(A)(i) of the

1 Balanced Budget and Emergency Deficit Control Act of
2 1985.

3 FAIR HOUSING AND EQUAL OPPORTUNITY

4 FAIR HOUSING ACTIVITIES

5 For an additional amount for “Fair Housing Activi-
6 ties”, \$7,000,000, to remain available until September 30,
7 2021, for contracts, grants, and other assistance, as au-
8 thorized by title VIII of the Civil Rights Act of 1968, as
9 amended by the Fair Housing Amendments Act of 1988,
10 and section 561 of the Housing and Community Develop-
11 ment Act of 1987, to prevent, prepare for, and respond
12 to coronavirus, of which \$4,000,000 shall be for the Fair
13 Housing Assistance Program Partnership for Special En-
14 forcement grants to address fair housing issues relating
15 to coronavirus, and \$3,000,000 shall be for the Fair Hous-
16 ing Initiatives Program for education and outreach activi-
17 ties under such section 561 to educate the public about
18 fair housing issues related to coronavirus: *Provided*, That
19 such amount is designated by the Congress as being for
20 an emergency requirement pursuant to section
21 251(b)(2)(A)(i) of the Balanced Budget and Emergency
22 Deficit Control Act of 1985.

23 OFFICE OF INSPECTOR GENERAL

24 For an additional amount for “Office of Inspector
25 General”, \$5,000,000, to remain available until September

1 30, 2021: *Provided*, That the amount made available
2 under this heading in this Act shall be for necessary sala-
3 ries and expenses of the Office of Inspector General in
4 carrying out the Inspector General Act of 1978 and to
5 conduct audits and investigations of activities carried out
6 with amounts made available in this Act to the Depart-
7 ment of Housing and Urban Development to prevent, pre-
8 pare for, and respond to coronavirus: *Provided further*,
9 That the Inspector General shall have independent author-
10 ity over all personnel issues within this office: *Provided*
11 *further*, That such amount is designated by the Congress
12 as being for an emergency requirement pursuant to sec-
13 tion 251(b)(2)(A)(i) of the Balanced Budget and Emer-
14 gency Deficit Control Act of 1985.

15 TITLE XIII

16 GENERAL PROVISIONS—THIS DIVISION

17 SEC. 13101. Not later than 30 days after the date
18 of enactment of this Act, the head of each executive agen-
19 cy that receives funding in this Act, or that received fund-
20 ing in the Coronavirus Preparedness and Response Sup-
21 plemental Appropriations Act, 2020 (division A of Public
22 Law 116–123) or the Second Coronavirus Preparedness
23 and Response Supplemental Appropriations Act, 2020 (di-
24 vision A of Public Law 116–127), shall provide a report
25 detailing the anticipated uses of all such funding to the

1 Committees on Appropriations of the House of Represent-
2 atives and the Senate: *Provided*, That each report shall
3 include estimated personnel and administrative costs, as
4 well as the total amount of funding apportioned, allotted,
5 obligated, and expended, to date: *Provided further*, That
6 each such report shall be updated and submitted to such
7 Committees every 60 days until all funds are expended
8 or expire: *Provided further*, That reports submitted pursu-
9 ant to this section shall satisfy the requirements of section
10 1701 of division A of Public Law 116–127.

11 SEC. 13102. Each amount appropriated or made
12 available by this Act is in addition to amounts otherwise
13 appropriated for the fiscal year involved.

14 SEC. 13103. In this Act, the term “coronavirus”
15 means SARS–CoV–2 or another coronavirus with pan-
16 demic potential.

17 SEC. 13104. No part of any appropriation contained
18 in this Act shall remain available for obligation beyond
19 the current fiscal year unless expressly so provided herein.

20 SEC. 13105. Unless otherwise provided for by this
21 Act, the additional amounts appropriated by this Act to
22 appropriations accounts shall be available under the au-
23 thorities and conditions applicable to such appropriations
24 accounts for fiscal year 2020.

1 SEC. 13106. Each amount designated in this Act by
2 the Congress as being for an emergency requirement pur-
3 suant to section 251(b)(2)(A)(i) of the Balanced Budget
4 and Emergency Deficit Control Act of 1985 shall be avail-
5 able (or rescinded or transferred, if applicable) only if the
6 President subsequently so designates all such amounts
7 and transmits such designations to the Congress.

8 SEC. 13107. Any amount appropriated by this Act,
9 designated by the Congress as an emergency requirement
10 pursuant to section 251(b)(2)(A)(i) of the Balanced Budg-
11 et and Emergency Deficit Control Act of 1985 and subse-
12 quently so designated by the President, and transferred
13 pursuant to transfer authorities provided by this Act shall
14 retain such designation.

15 SEC. 13108. Notwithstanding any other provision of
16 law, and subject to the availability of appropriations,
17 funds made available by this Act or any other Act may
18 be used to modify the terms and conditions of a contract,
19 or other agreement, without consideration, to authorize a
20 federal agency to reimburse at contract billing rates not
21 to exceed an average of 40 hours per week any contractor
22 paid leave, including sick leave, the contractor provides to
23 its employees to ensure the effective response to the de-
24 clared national emergency for the coronavirus pandemic
25 event. Such authority shall apply only to a contractor

1 whose employees cannot perform work on a federally
2 owned or leased facility or site due to Federal Government
3 directed closures or other restrictions, and who cannot
4 telework because their job duties cannot be performed re-
5 motely during the declared national emergency for the
6 coronavirus pandemic event. This authority also shall
7 apply to subcontractors. The amounts made available by
8 this section are designated by the Congress as an emer-
9 gency requirement pursuant to section 251(b)(2)(A)(i) of
10 the Balanced Budget and Emergency Deficit Control Act
11 of 1985.

12 This division may be cited as the “Third Coronavirus
13 Preparedness and Response Supplemental Appropriations
14 Act, 2020”.

15 **DIVISION B—EMERGENCY FAM-**
16 **ILY AND MEDICAL LEAVE EX-**
17 **PANSION ACT**

18 **SEC. 20001. REFERENCES.**

19 Except as otherwise expressly provided, whenever in
20 this division an amendment or repeal is expressed in terms
21 of an amendment to, or repeal of, a section or other provi-
22 sion, the reference shall be considered to be made to a
23 section or other provision of the Family and Medical Leave
24 Act of 1993 (29 U.S.C. 2601 et seq.), as amended by the

1 Emergency Family and Medical Leave Expansion Act
2 (Public Law 116–127).

3 **SEC. 20002. EMPLOYER CLARIFICATION.**

4 Section 101(4) is amended by adding at the end the
5 following:

6 “(C) CLARIFICATION.—Subparagraph
7 (A)(i) shall not apply with respect to a public
8 agency described in subparagraph (A)(iii).”.

9 **SEC. 20003. EMERGENCY LEAVE EXTENSION.**

10 Section 102(a)(1)(F) is amended by striking “De-
11 cember 31, 2020” and inserting “December 31, 2021”.

12 **SEC. 20004. EMERGENCY LEAVE DEFINITIONS.**

13 (a) ELIGIBLE EMPLOYEE.—Section 110(a)(1) is
14 amended in subparagraph (A), by striking “sections
15 101(2)(A) and 101(2)(B)(ii)” and inserting “section
16 101(2)”.

17 (b) EMPLOYER THRESHOLD.—Section 110(a)(1)(B)
18 is amended by striking “fewer than 500 employees” and
19 inserting “1 or more employees”.

20 (c) PARENT.—Section 110(a)(1) is amended by add-
21 ing at the end the following:

22 “(C) PARENT.—In lieu of the definition in
23 section 101(7), the term ‘parent’, with respect
24 to an employee, means any of the following:

1 “(i) A biological, foster, or adoptive
2 parent of the employee.

3 “(ii) A stepparent of the employee.

4 “(iii) A parent-in-law of the employee.

5 “(iv) A parent of a domestic partner
6 of the employee.

7 “(v) A legal guardian or other person
8 who stood in loco parentis to an employee
9 when the employee was a child.”.

10 (d) QUALIFYING NEED RELATED TO A PUBLIC
11 HEALTH EMERGENCY.—Section 110(a)(2)(A) is amended
12 to read as follows:

13 “(A) QUALIFYING NEED RELATED TO A
14 PUBLIC HEALTH EMERGENCY.—The term
15 ‘qualifying need related to a public health emer-
16 gency’, with respect to leave, means that the
17 employee is unable to perform the functions of
18 the position of such employee due to a need for
19 leave for any of the following:

20 “(i) To comply with a recommenda-
21 tion or order by a public official having ju-
22 risdiction or a health care provider on the
23 basis that the physical presence of the em-
24 ployee on the job would jeopardize the
25 health of others because of—

1 “(I) the exposure of the employee
2 to COVID–19; or

3 “(II) exhibition of symptoms of
4 COVID–19 by the employee.

5 “(ii) To care for a family member of
6 an eligible employee with respect to whom
7 a public official having jurisdiction or a
8 health care provider makes a determina-
9 tion that the presence of such family mem-
10 ber in the community would jeopardize the
11 health of other individuals in the commu-
12 nity because of—

13 “(I) the exposure of the family
14 member to COVID–19; or

15 “(II) exhibition of symptoms of
16 COVID–19 by the family member.

17 “(iii) To care for the son or daughter
18 of such employee if the school or place of
19 care has been closed, or the child care pro-
20 vider of such son or daughter is unavail-
21 able, due to a public health emergency.

22 “(iv) To care for a family member
23 who meets criteria of 101(12)(B) or is a
24 senior citizen, if the place of care for such
25 family member is closed, or the direct care

1 provider is unavailable, due to a public
2 health emergency.”.

3 (e) FAMILY MEMBER.—Section 110(a)(2) is amended
4 by adding at the end the following:

5 “(E) FAMILY MEMBER.—The term ‘family
6 member’, with respect to an employee, means
7 any of the following:

8 “(i) A parent of the employee.

9 “(ii) A spouse of the employee.

10 “(iii) A sibling of the employee.

11 “(iv) Next of kin of the employee or
12 a person for whom the employee is next of
13 kin.

14 “(v) A son or daughter of the em-
15 ployee.

16 “(vi) A grandparent or grandchild of
17 the employee.

18 “(vii) An domestic partner of the em-
19 ployee.

20 “(F) DOMESTIC PARTNER.—

21 “(i) IN GENERAL.—The term ‘domes-
22 tic partner’, with respect to an individual,
23 means another individual with whom the
24 individual is in a committed relationship.

1 “(ii) COMMITTED RELATIONSHIP DE-
2 FINED.—The term ‘committed relationship’
3 means a relationship between 2 individuals,
4 each at least 18 years of age, in which
5 each individual is the other individual’s
6 sole domestic partner and both individuals
7 share responsibility for a significant meas-
8 ure of each other’s common welfare. The
9 term includes any such relationship be-
10 tween 2 individuals that is granted legal
11 recognition by a State or political subdivi-
12 sion of a State as a marriage or analogous
13 relationship, including a civil union or do-
14 mestic partnership.”.

15 **SEC. 20005. REGULATORY AUTHORITIES.**

16 (a) IN GENERAL.—Section 110(a) is amended by
17 striking paragraph (3).

18 (b) FORCE OR EFFECT OF REGULATIONS.—Any reg-
19 ulation issued under section 110(a)(3), as in effect on the
20 day before the date of the enactment of this Act, shall
21 have no force or effect.

22 **SEC. 20006. RELATIONSHIP TO PAID LEAVE.**

23 Section 110(b) is amended—
24 (1) in paragraph (1)—

1 (A) in the header, by striking “10 DAYS”
2 and inserting “2 WORKWEEKS”;

3 (B) in subparagraph (A), by striking “10
4 days” and inserting “2 workweeks”;

5 (C) in subparagraph (B), by inserting, “,
6 including leave provided under section 5102 of
7 the Emergency Paid Sick Leave Act (Public
8 Law 116–127),” after “medical or sick leave”;
9 and

10 (D) by inserting at the end the following:

11 “(C) EMPLOYER REQUIREMENT.—An em-
12 ployer may not require an employee to sub-
13 stitute any leave described in subparagraph (B)
14 for leave under section 102(a)(1)(F).

15 “(D) RELATIONSHIP TO OTHER FAMILY
16 AND MEDICAL LEAVE.—Leave taken under sub-
17 paragraph (F) of section 102(a)(1) shall not
18 count towards the 12 weeks of leave to which
19 an employee is entitled under subparagraphs
20 (A) through (E) of such section.”; and

21 (2) in paragraph (2)(A), by striking “10 days”
22 and inserting “2 workweeks”.

23 **SEC. 20007. WAGE RATE.**

24 Section 110(b)(2)(B)(I) is amended to read as fol-
25 lows:

1 “(I) an amount that is not less
2 than the greater of—

3 “(aa) the minimum wage
4 rate in effect under section
5 6(a)(1) of the Fair Labor Stand-
6 ards Act of 1938 (29 U.S.C.
7 206(a)(1));

8 “(bb) the minimum wage
9 rate in effect for such employee
10 in the applicable State or locality,
11 whichever is greater, in which the
12 employee is employed; or

13 “(cc) two thirds of an em-
14 ployee’s regular rate of pay (as
15 determined under section 7(e) of
16 the Fair Labor Standards Act of
17 1938 (29 U.S.C. 207(e)); and”.

18 **SEC. 20008. NOTICE.**

19 Section 110(c) is amended by inserting “or sub-
20 section (a)(2)(A)(iv)” after “for the purpose described in
21 subsection (a)(2)(A)(iii)”.

22 **SEC. 20009. AMENDMENTS TO THE EMERGENCY FAMILY
23 AND MEDICAL LEAVE EXPANSION ACT.**

24 The Emergency Family and Medical Leave Expan-
25 sion Act (Public Law 116–127) is amended—

1 (1) in section 3103(b), by striking “Employees”
2 and inserting, “Notwithstanding section
3 102(a)(1)(A) of the Family and Medical Leave Act
4 of 1993 (29 U.S.C. 2612(a)(1)(A)), employees”; and
5 (2) by striking sections 3104 and 3105.

6 **DIVISION C—EMERGENCY PAID**
7 **SICK LEAVE ACT AMENDMENTS**

8 **SEC. 30001. REFERENCES.**

9 Except as otherwise expressly provided, whenever in
10 this division an amendment or repeal is expressed in terms
11 of an amendment to, or repeal of, a section or other provi-
12 sion, the reference shall be considered to be made to a
13 section or other provision of division E of the Families
14 First Coronavirus Response Act (Public Law 116–127).

15 **SEC. 30002. PAID SICK TIME REQUIREMENT.**

16 (a) USES.—Section 5102(a) is amended to read as
17 follows:

18 “(a) IN GENERAL.—An employer shall provide to
19 each employee employed by the employer paid sick time
20 for any of the following uses:

21 “(1) To self-isolate because the employee is di-
22 agnosed with COVID–19.

23 “(2) To obtain a medical diagnosis or care if
24 such employee is experiencing the symptoms of
25 COVID–19.

1 “(3) To comply with a recommendation or
2 order by a public official with jurisdiction or a
3 health care provider on the basis that the physical
4 presence of the employee on the job would jeopardize
5 the health of others because of—

6 “(A) the exposure of the employee to
7 COVID–19; or

8 “(B) exhibition of symptoms of COVID–19
9 by the employee; or

10 “(4) To care for or assist a family member of
11 the employee—

12 “(A) who—

13 “(i) is self-isolating because such fam-
14 ily member has been diagnosed with
15 COVID–19; or

16 “(ii) is experiencing symptoms of
17 COVID–19 and needs to obtain medical di-
18 agnosis or care.

19 “(B) with respect to whom a public official
20 with jurisdiction or a health care provider
21 makes a determination that the presence of the
22 family member in the community would jeop-
23 ardize the health of other individuals in the
24 community because of—

1 “(i) the exposure of such family mem-
2 ber to the COVID–19; or

3 “(ii) exhibition of symptoms of
4 COVID–19 by such family member.

5 “(5) To care for the son or daughter of such
6 employee if the school or place of care has been
7 closed, or the child care provider of such son or
8 daughter is unavailable, due to COVID–19.”.

9 (b) EMPLOYERS WITH EXISTING POLICIES.—Section
10 5102 by adding at the end the following:

11 “(f) EMPLOYERS WITH EXISTING POLICIES.—With
12 respect to an employer that provides paid leave on the day
13 before the date of enactment of this Act—

14 “(1) the paid sick time under this Act shall be
15 made available to employees of the employer in addi-
16 tion to such paid leave; and

17 “(2) the employer may not change such paid
18 leave on or after such date of enactment to avoid
19 being subject to paragraph (1).”.

20 **SEC. 30003. PROHIBITED ACTS.**

21 Section 5104(1) is amended by striking “and” at the
22 end and inserting “or”.

23 **SEC. 30004. SUNSET.**

24 Section 5109 is amended by striking “December 31,
25 2020” and inserting “December 31, 2021”.

1 **SEC. 30005. DEFINITIONS.**

2 (a) EMPLOYEE.—Section 5110(1)(A)(i) is amend-
3 ed—

4 (1) by striking “terms” and inserting “term”;
5 and

6 (2) by striking “paragraph (5)(A)” and insert-
7 ing “paragraph (2)(A)”.

8 (b) EMPLOYER.—Section 5110(2)(B) is amended—

9 (1) by striking “terms” and inserting “term”;

10 (2) by amending subclause (I) of clause (i) to
11 read as follows:

12 “(I) means any person engaged
13 in commerce or in any industry or ac-
14 tivity affecting commerce that employs
15 1 or more employees;” and

16 (3) by amending clause (ii) to read as follows:

17 “(ii) PUBLIC AGENCY AND NON-PROF-
18 IT ORGANIZATIONS.—For purposes of
19 clause (i)(III) and (i)(I), a public agency
20 and a nonprofit organization shall be con-
21 sidered to be a person engaged in com-
22 merce or in an industry or activity affect-
23 ing commerce.”.

24 (c) FMLA TERMS.—Section 5110(4) is amended to
25 read as follows:

1 “(4) FMLA TERMS.—The terms ‘health care
2 provider’, ‘next of kin’, ‘son or daughter’, and
3 ‘spouse’ have the meanings given such terms in sec-
4 tion 101 of the Family and Medical Leave Act of
5 1993 (29 U.S.C. 2611).”.

6 (d) PAID SICK TIME.—Section 5110(5) is amended—

7 (1) in subparagraph (A)—

8 (A) in clause (i), by striking “section 2(a)”
9 and inserting “section 5102(a)”; and

10 (B) in clause (ii), by striking “exceed” and
11 all that follows and inserting “exceed \$511 per
12 day and \$5,110 in the aggregate.”;

13 (2) in subparagraph (B)—

14 (A) by striking the following:

15 “(B) REQUIRED COMPENSATION.—

16 “(i) IN GENERAL.—Subject to sub-
17 paragraph (A)(ii),”; and inserting the fol-
18 lowing:

19 “(B) REQUIRED COMPENSATION.—Subject
20 to subparagraph (A)(ii),”; and

21 (B) by striking clause (ii); and

22 (3) in subparagraph (C), by striking “ section
23 2(a)” and inserting “section 5102(a)”.

24 (a) ADDITIONAL DEFINITIONS.—Section 5110 is
25 amended by adding at the end the following:

1 “(6) DOMESTIC PARTNER.—

2 “(A) IN GENERAL.—The term ‘domestic
3 partner’, with respect to an individual, means
4 another individual with whom the individual is
5 in a committed relationship.

6 “(B) COMMITTED RELATIONSHIP DE-
7 FINED.—The term ‘committed relationship’
8 means a relationship between 2 individuals,
9 each at least 18 years of age, in which each in-
10 dividual is the other individual’s sole domestic
11 partner and both individuals share responsi-
12 bility for a significant measure of each other’s
13 common welfare. The term includes any such
14 relationship between 2 individuals that is grant-
15 ed legal recognition by a State or political sub-
16 division of a State as a marriage or analogous
17 relationship, including a civil union or domestic
18 partnership.

19 “(7) FAMILY MEMBER.—The term ‘family
20 member’, with respect to an employee, means any of
21 the following:

22 “(A) A parent of the employee.

23 “(B) A spouse of the employee.

24 “(C) A son or daughter of the employee.

25 “(D) A sibling of the employee.

1 “(E) A next of kin of the employee or a
2 person for whom the employee is next of kin.

3 “(F) A grandparent or grandchild of the
4 employee.

5 “(G) A domestic partner of the employee.

6 “(8) FFCRA TERMS.—The terms ‘child care
7 provider’ and ‘school’ have the meanings given such
8 terms in section 110(a)(2) of the Family and Med-
9 ical and Leave Act of 1993.

10 “(9) PARENT.—The term ‘parent’, with respect
11 to an employee, means any of the following:

12 “(A) A biological, foster, or adoptive par-
13 ent of the employee.

14 “(B) A stepparent of the employee.

15 “(C) A parent-in-law of the employee.

16 “(D) A parent of a domestic partner of the
17 employee.

18 “(E) A legal guardian or other person who
19 stood in loco parentis to an employee when the
20 employee was a child.”.

21 **SEC. 30006. REGULATORY AUTHORITIES.**

22 (a) IN GENERAL.—Division E is amended by striking
23 section 5111.

24 (b) FORCE OR EFFECT OF REGULATIONS.—Any reg-
25 ulation issued under section 5111 of division E of the

1 Families First Coronavirus Response Act (Public Law
2 116–127), as in effect on the day before the date of the
3 enactment of this Act, shall have no force or effect.

4 **DIVISION D—COVID-19 WORK-**
5 **ERS FIRST PROTECTION ACT**
6 **OF 2020**

7 **SEC. 40001. SHORT TITLE.**

8 This division may be cited as the “COVID–19 Work-
9 ers First Protection Act of 2020”.

10 **SEC. 40002. EMERGENCY TEMPORARY AND PERMANENT**
11 **STANDARDS.**

12 (a) EMERGENCY TEMPORARY STANDARD.—

13 (1) IN GENERAL.—In consideration of the grave
14 risk presented by COVID–19 and the need to
15 strengthen protections for employees, pursuant to
16 section 6(c)(1) of the Occupational Safety and
17 Health Act of 1970 (29 U.S.C. 655(c)(1)) and not-
18 withstanding the provisions of law and the Executive
19 Order listed in paragraph (7), not later than 7 days
20 after the date of enactment of this Act, the Sec-
21 retary of Labor shall, in consultation with the Direc-
22 tor of the Centers for Disease Control and Preven-
23 tion, the Director of the National Institute for Occu-
24 pational Safety and Health, the Commissioner of the
25 Food and Drug Administration, and the persons de-

1 scribed in paragraph (2), promulgate an emergency
2 temporary standard to protect from occupational ex-
3 posure to SARS-CoV-2—

4 (A) employees of health care sector em-
5 ployers;

6 (B) employees of employers in the para-
7 medic and emergency medical services, includ-
8 ing such services provided by firefighters and
9 other emergency responders; and

10 (C) employees in other sectors and occupa-
11 tions whom the Centers for Disease Control and
12 Prevention or the Occupational Safety and
13 Health Administration identifies as having ele-
14 vated risk.

15 (2) CONSULTATION.—In developing the stand-
16 ard under this subsection, the Secretary shall con-
17 sult with professional associations and representa-
18 tives of the employees in the occupations and sectors
19 described in subparagraphs (A) through (C) of para-
20 graph (1) and the employers of such employees.

21 (3) ENFORCEMENT DISCRETION.—If the Sec-
22 retary of Labor determines it is not feasible for an
23 employer to comply with a requirement of the stand-
24 ard promulgated under this subsection (such as a
25 shortage of the necessary personal protective equip-

1 ment), the Secretary may exercise discretion in the
2 enforcement of such requirement if the employer
3 demonstrates that the employer—

4 (A) is exercising due diligence to come into
5 compliance with such requirement; and

6 (B) is implementing alternative methods
7 and measures to protect employees.

8 (4) EXTENSION OF STANDARD.—Notwith-
9 standing paragraphs (2) and (3) of section 6(c) of
10 the Occupational Safety and Health Act of 1970 (29
11 U.S.C. 655(c)), the emergency temporary standard
12 promulgated under this subsection shall be in effect
13 until the date on which the final standard promul-
14 gated under subsection (b) is in effect.

15 (5) STATE PLAN ADOPTION.—With respect to a
16 State with a State plan that has been approved by
17 the Secretary of Labor under section 18 of the Oc-
18 cupational Safety and Health Act of 1970 (29
19 U.S.C. 667), not later than 14 days after the date
20 of enactment of this Act, such State shall promul-
21 gate an emergency temporary standard that is at
22 least as effective in protecting from occupational ex-
23 posure to SARS-CoV-2 the employees in the occu-
24 pations and sectors described in subparagraphs (A)

1 through (C) of paragraph (1) as the emergency tem-
2 porary standard promulgated under this subsection.

3 (6) EMPLOYER DEFINED.—For purposes of the
4 standard promulgated under this subsection, the
5 term “employer” under section 3 of the Occupa-
6 tional Safety and Health Act of 1970 (29 U.S.C.
7 652) includes any State or political subdivision of a
8 State, except for those already subject to the juris-
9 diction of a State plan approved under Section 18(b)
10 of the Occupational Safety and Health Act of 1970.

11 (7) INAPPLICABLE PROVISIONS OF LAW AND
12 EXECUTIVE ORDER.—The requirements of chapter 6
13 of title V, United States Code (commonly referred to
14 as the “Regulatory Flexibility Act”), subchapter I of
15 chapter 35 of title 44, United States Code (com-
16 monly referred to as the “Paperwork Reduction
17 Act”), and Executive Order 12866 (58 Fed. Reg.
18 190; relating to regulatory planning and review), as
19 amended, shall not apply to the standard promul-
20 gated under this subsection.

21 (b) PERMANENT STANDARD.—Not later than 24
22 months after the date of enactment of this Act, the Sec-
23 retary of Labor shall promulgate a final standard—

1 (1) to protect employees from occupational ex-
2 posure to infectious pathogens, including novel
3 pathogens; and

4 (2) that shall be effective and enforceable in the
5 same manner and to the same extent as a standard
6 promulgated under section 6(b) of the Occupational
7 Safety and Health Act of 1970 (29 U.S.C. 655(b)).

8 (c) REQUIREMENTS.—Each standard promulgated
9 under this section shall—

10 (1) require the employers of the employees in
11 the occupations and sectors described in subpara-
12 graphs (A) through (C) of subsection (a)(1) to de-
13 velop and implement a comprehensive infectious dis-
14 ease exposure control plan;

15 (2) provide no less protection for novel patho-
16 gens than precautions mandated by standards
17 adopted by a State plan that has been approved by
18 the Secretary of Labor under section 18 of the Oc-
19 cupational Safety and Health Act of 1970 (29
20 U.S.C. 667); and

21 (3) incorporate, as appropriate—

22 (A) guidelines issued by the Centers for
23 Disease Control and Prevention, and the Na-
24 tional Institute for Occupational Safety and
25 Health, which are designed to prevent the

1 transmission of infectious agents in healthcare
2 settings; and

3 (B) relevant scientific research on novel
4 pathogens.

5 **SEC. 40003. SURVEILLANCE, TRACKING, AND INVESTIGA-**
6 **TION OF WORK-RELATED CASES OF COVID-19**
7 **AMONG HEALTH CARE WORKERS.**

8 The Director of the Centers for Disease Control and
9 Prevention, in conjunction with the Director of the Na-
10 tional Institute for Occupational Safety and Health,
11 shall—

12 (1) collect and analyze case reports and other
13 data on COVID-19, to identify and evaluate the ex-
14 tent, nature, and source of COVID-19 among em-
15 ployees in the occupations and sectors described in
16 subparagraphs (A) through (C) of section 2(a)(1);

17 (2) investigate, as appropriate, individual cases
18 of COVID-19 among such employees to evaluate the
19 source of exposure and adequacy of infection and ex-
20 posure control programs and measures;

21 (3) provide regular periodic reports on COVID-
22 19 disease among such employees to the public; and

23 (4) based on such reports and investigations
24 make recommendations on needed actions or guid-
25 ance to protect such employees from COVID-19.

1 **DIVISION E—COVID-19 WORK-**
2 **FORCE EMERGENCY RE-**
3 **SPONSE ACT OF 2020**

4 **SEC. 50001. SHORT TITLE.**

5 (a) **SHORT TITLE.**—This Act may be cited as the
6 “Workforce Emergency Response Act of 2020”.

7 **SEC. 50002. DEFINITIONS.**

8 In this Act:

9 (1) **CORONAVIRUS.**—The term “coronavirus”
10 means coronavirus as defined in section 506 of the
11 Coronavirus Preparedness and Response Supple-
12 mental Appropriations Act, 2020 (Public Law 116–
13 123).

14 (2) **COVID-19 NATIONAL EMERGENCY.**—The
15 term “COVID-19 national emergency” means the
16 national emergency declared by the President under
17 the National Emergencies Act (50 U.S.C. 1601 et
18 seq.) on March 13, 2020, with respect to the
19 coronavirus.

20 (3) **SECRETARY.**—The term “Secretary” means
21 the Secretary of Labor.

22 (4) **WIOA TERMS.**—Except as otherwise pro-
23 vided, the terms in this Act have the meanings given
24 the terms in section 3 of the Workforce Innovation
25 and Opportunity Act (29 U.S.C. 3102).

1 **SEC. 50003. WORKFORCE RESPONSE ACTIVITIES.**

2 (a) IN GENERAL.—The purpose of this section is to
3 provide the increased flexibility needed for State and local
4 areas to provide continuity of services during the COVID–
5 19 national emergency.

6 (b) ADMINISTRATIVE COSTS.—Notwithstanding sec-
7 tion 128(b)(4) of the Workforce Innovation and Oppor-
8 tunity Act (29 U.S.C. 3163(b)(4)), of the funds allocated
9 to a local area, including a single State local area, under
10 subtitle B of title I of such Act (29 U.S.C. 3151 et seq.)
11 that remain unobligated for program year 2019, an
12 amount up to 20 percent may be used for the administra-
13 tive costs of carrying out local workforce investment activi-
14 ties under chapter 2 or chapter 3 of subtitle B of title
15 I of such Act (29 U.S.C. 3151 et seq.), as long as any
16 amount used under this subsection that exceeds the
17 amount authorized for administrative costs under section
18 128(b)(4)(A) of such Act (29 U.S.C. 3163(b)(4)) is used
19 to respond to the COVID–19 national emergency.

20 (c) RAPID RESPONSE ACTIVITIES.—

21 (1) STATEWIDE RAPID RESPONSE.—Of the re-
22 served by a Governor under section 128(a) of the
23 Workforce Innovation and Opportunity Act (29
24 U.S.C. 3163(a)) for statewide activities that remain
25 unobligated for program year 2019, such funds may
26 be used for the statewide rapid response activities

1 described in section 134(a)(2)(A) of such Act (29
2 U.S.C. 3174(a)(2)(A)) for responding to the
3 COVID–19 national emergency.

4 (2) LOCAL BOARDS.—Of the funds reserved by
5 a Governor under section 133(a)(2) of such Act (29
6 U.S.C. 3173(a)(2)) that remain unobligated for pro-
7 gram year 2019, such funds may be distributed by
8 the Governor not later than 30 days after the date
9 of enactment of this Act to local boards most im-
10 pacted by the coronavirus, at the determination of
11 the Governor, for rapid response activities related to
12 responding to the COVID–19 national emergency.

13 **DIVISION F—FAMILY SUPPORT** 14 **PROVISIONS**

15 **SEC. 60001. CONTINUED SAFE OPERATION OF CHILD WEL-** 16 **FARE PROGRAMS AND SUPPORT FOR OLDER** 17 **FOSTER YOUTH.**

18 (a) FUNDING INCREASES.—

19 (1) GENERAL PROGRAM.—The dollar amount
20 specified in section 477(h)(1) of the Social Security
21 Act for fiscal year 2020 is deemed to be
22 \$185,900,000.

23 (2) EDUCATION AND TRAINING VOUCHERS.—

24 The dollar amount specified in section 477(h)(2) of

1 such Act for fiscal year 2020 is deemed to be
2 \$78,000,000.

3 (b) PROGRAMMATIC FLEXIBILITY.—With respect to
4 the period that begins on March 1, 2020, and ends with
5 the close of calendar year 2020:

6 (1) ELIMINATION OF AGE LIMITATIONS ON ELI-
7 GIBILITY FOR ASSISTANCE.—Eligibility for services
8 or assistance under a State program operated pursu-
9 ant to section 477 of the Social Security Act shall
10 be provided without regard to the age of the recipi-
11 ent.

12 (2) SUSPENSION OF WORK AND EDUCATION RE-
13 QUIREMENTS UNDER THE EDUCATION AND TRAIN-
14 ING VOUCHER PROGRAM.—Section 477(i)(3) of the
15 Social Security Act shall be applied and adminis-
16 tered without regard to any work or education re-
17 quirement.

18 (3) AUTHORITY TO WAIVE LIMITATION ON PER-
19 CENTAGE OF FUNDS USED FOR HOUSING ASSIST-
20 ANCE.—The Secretary of Health and Human Serv-
21 ices (in this subsection referred to as the “Sec-
22 retary”) may apply and administer section 477 of
23 the Social Security Act without regard to subsection
24 (b)(3)(B) of such section.

1 (4) AUTHORITY TO WAIVE RULES CONFLICTING
2 WITH NEEDED ASSISTANCE AND SERVICES.—The
3 Secretary may waive any requirement imposed by or
4 under part B or E of title IV of the Social Security
5 Act (including any limitation on the ability of con-
6 tractors pursuant to such part B or E to apply for
7 no-cost contract extensions) that the Secretary
8 deems to be in conflict with using funds made avail-
9 able pursuant to this section or other statutes for
10 the provision of financial, education, work, housing,
11 and other assistance and services needed in response
12 to the public health emergency declared by the Sec-
13 retary pursuant to section 319 of the Public Health
14 Service Act on January 31, 2020, entitled “Deter-
15 mination that a Public Health Emergency Exists
16 Nationwide as the Result of the 2019 Novel
17 Coronavirus”.

18 (5) AUTHORITY OF STATES TO DETERMINE
19 HOW DAILY ACTIVITIES MAY BE CONDUCTED RE-
20 MOTELY.—The Secretary may allow a State to de-
21 termine how daily activities under the State plan de-
22 veloped under part B of title IV of the Social Secu-
23 rity Act and the State program funded under section
24 477 of such Act may be conducted through elec-
25 tronic means to comply with public health guidelines

1 relating to social distancing, including conducting
2 any required court proceedings pertaining to chil-
3 dren in care. In making any such determination, the
4 State shall work to ensure that the safety and health
5 of each child in care remains paramount.

6 (6) COUNTING OF REMOTE CASEWORKER VISITS
7 AS IN-PERSON VISITS.—In the case of a foster child
8 who has attained 18 years of age and with respect
9 to whom foster care maintenance payments are
10 being made under a State plan approved under part
11 E of title IV of the Social Security Act, caseworker
12 contact with the child that includes visual and audi-
13 tory contact and which is conducted solely by elec-
14 tronic means is deemed an in-person visit to the
15 child by the caseworker for purposes of section
16 424(f)(1)(A) of such Act if the child is visited by the
17 caseworker in person not less than once every 6
18 months while in such care.

19 (7) ELIMINATION OF EDUCATION AND EMPLOY-
20 MENT REQUIREMENTS FOR CERTAIN FOSTER
21 YOUTH.—The Secretary may waive the applicability
22 of subclauses (I) through (IV) of section
23 475(8)(B)(iv) of the Social Security Act.

24 (c) STATE DEFINED.—In subsection (a), the term
25 “State” has the meaning given the term in section

1 1101(a) of the Social Security Act for purposes of title
2 IV of the Social Security Act, and includes an Indian tribe,
3 tribal organization, or tribal consortium with an applica-
4 tion and plan approved under this section 477(j) of such
5 Act for fiscal year 2020.

6 **SEC. 60002. ALLOWING HOME VISITING PROGRAMS TO CON-**
7 **TINUE SERVING FAMILIES SAFELY.**

8 (a) IN GENERAL.—For purposes of section 511 of the
9 Social Security Act, during the period that begins on Feb-
10 ruary 1, 2020, and ends with the close of calendar year
11 2020—

12 (1) a virtual home visit shall be considered a
13 home visit;

14 (2) funding for, and staffing levels of, a pro-
15 gram conducted pursuant to such section shall not
16 be reduced on account of reduced enrollment in the
17 program; and

18 (3) funds provided for such a program may be
19 used—

20 (A) to train home visitors in conducting a
21 virtual home visit and in emergency prepared-
22 ness and response planning for families served;

23 (B) for the acquisition by families enrolled
24 in the program of such technological means as

1 are needed to conduct and support a virtual
2 home visit; and

3 (C) to provide emergency supplies (such as
4 diapers, formula, non-perishable food, water,
5 hand soap and hand sanitizer) to families
6 served.

7 (b) VIRTUAL HOME VISIT DEFINED.—In subsection
8 (a), the term “virtual home visit” means a visit that is
9 conducted solely by electronic means.

10 (c) AUTHORITY TO DELAY DEADLINES.—

11 (1) IN GENERAL.—The Secretary of Health and
12 Human Services may extend the deadline by which
13 a requirement of section 511 of the Social Security
14 Act must be met, by such period of time as the Sec-
15 retary deems appropriate.

16 (2) GUIDANCE.—The Secretary shall provide to
17 eligible entities funded under section 511 of the So-
18 cial Security Act information on the parameters
19 used in extending a deadline under paragraph (1) of
20 this subsection.

21 **SEC. 60003. EMERGENCY FLEXIBILITY FOR CHILD SUPPORT**
22 **PROGRAMS.**

23 (a) IN GENERAL.—With respect to the period that
24 begins on March 1, 2020, and ends with the close of cal-
25 endar year 2021:

1 (1) The Secretary of Health and Human Serv-
2 ices (in this subsection referred to as the “Sec-
3 retary”) may increase any percentage in effect for
4 purposes of section 455(a)(1) of the Social Security
5 Act to not more than 100 percent.

6 (2) On application of an Indian tribe therefor,
7 the Secretary may waive any matching funds re-
8 quirement imposed on the tribe under section 455(f)
9 of such Act.

10 (3) Paragraphs (2) and (8) of section 409(a) of
11 such Act shall have no force or effect.

12 (4) The Secretary may exempt a State from
13 any requirement of section 466 of such Act.

14 (5) The Secretary may not impose a penalty or
15 take any other adverse action against a State pursu-
16 ant to section 452(g)(1) of such Act for failure to
17 achieve a paternity establishment percentage of less
18 than 90 percent.

19 (6) The Secretary may not find that the pater-
20 nity establishment percentage for a State is not
21 based on reliable data for purposes of section
22 452(g)(1) of such Act, and the Secretary may not
23 determine that the data which a State submitted
24 pursuant to section 452(a)(4)(C)(i) of such Act and
25 which is used in determining a performance level is

1 not complete or reliable for purposes of section
2 458(b)(5)(B) of such Act, on the basis of the failure
3 of the State to submit OCSE Form 396 or 34 in a
4 timely manner.

5 (7) The Secretary may not impose a penalty or
6 take any other adverse action against a State for
7 failure to comply with section 454A(g)(1)(A)(i) of
8 such Act.

9 (8) The Secretary may not disapprove a State
10 plan submitted pursuant to part D of title IV of
11 such Act for failure of the plan to meet the require-
12 ment of section 454(1) of such Act, and may not im-
13 pose a penalty or take any other adverse action
14 against a State with such a plan that meets that re-
15 quirement for failure to comply with that require-
16 ment.

17 (9) To the extent that a preceding provision of
18 this section applies with respect to a provision of law
19 applicable to a program operated by an Indian tribe
20 or tribal organization (as defined in subsections (e)
21 and (l) of section 4 of the Indian Self-Determination
22 and Education Assistance Act (25 U.S.C. 450b)),
23 that preceding provision shall apply with respect to
24 the Indian tribe or tribal organization.

1 (b) STATE DEFINED.—In subsection (a), the term
2 “State” has the meaning given the term in section
3 1101(a) of the Social Security Act for purposes of title
4 IV of such Act.

5 **SEC. 60004. EMERGENCY FLEXIBILITY FOR STATE TANF**
6 **PROGRAMS.**

7 (a) STATE PROGRAMS.—Sections 407 and 408(a)(7)
8 of the Social Security Act shall have no force or effect
9 during the applicable period, and paragraphs (3), (9),
10 (14), and (15) of section 409(a) of such Act shall not
11 apply with respect to conduct engaged in during the pe-
12 riod.

13 (b) TRIBAL PROGRAMS.—The minimum work partici-
14 pation requirements and time limits established under sec-
15 tion 412(c) of the Social Security Act shall have no force
16 or effect during the applicable period, and the penalties
17 established under such section shall not apply with respect
18 to conduct engaged in during the period.

19 (c) PENALTY FOR NONCOMPLIANCE.—

20 (1) IN GENERAL.—If the Secretary of Health
21 and Human Services finds that a State or an Indian
22 tribe has imposed a work requirement as a condition
23 of receiving assistance, or a time limit on the provi-
24 sion of assistance, under a program funded under
25 part A of title IV of the Social Security Act or any

1 program funded with qualified State expenditures
2 (as defined in section 409(a)(7)(B)(i) of such Act)
3 during the applicable period, or has imposed a pen-
4 alty for failure to comply with a work requirement
5 during the period, the Secretary shall reduce the
6 grant payable to the State under section 403(a)(1)
7 of such Act or the grant payable to the tribe under
8 section 412(a)(1) of such Act, as the case may be,
9 for fiscal year 2021 by an amount equal to 5 percent
10 of the State or tribal family assistance grant, as the
11 case may be.

12 (2) APPLICABILITY OF CERTAIN PROVISIONS.—
13 For purposes of subsections (c) and (d) of section
14 409 of the Social Security Act, paragraph (1) of this
15 subsection shall be considered to be included in sec-
16 tion 409(a) of such Act.

17 (d) DEFINITIONS.—In this section:

18 (1) APPLICABLE PERIOD.—The term “applica-
19 ble period” means the period that begins on March
20 1, 2020, and ends with the close of calendar year
21 2020.

22 (2) WORK REQUIREMENT.—The term “work re-
23 quirement” means a requirement to engage in a
24 work activity (as defined in section 407(d) of the So-
25 cial Security Act).

1 (3) OTHER TERMS.—Each other term has the
2 meaning given the term in section 419 of the Social
3 Security Act.

4 **DIVISION G—HEALTH POLICIES**
5 **TITLE I—MEDICAID**

6 **SEC. 70101. INCREASING FEDERAL SUPPORT TO STATE**
7 **MEDICAID PROGRAMS DURING ECONOMIC**
8 **DOWNTURNS.**

9 (a) IN GENERAL.—Section 1905 of the Social Secu-
10 rity Act (42 U.S.C. 1396d) is amended—

11 (1) in subsection (b), by striking “and (ff)” and
12 inserting “(ff), and (gg)”;

13 (2) by adding at the end the following new sub-
14 section:

15 “(gg) INCREASED FMAP DURING ECONOMIC
16 DOWNTURNS.—

17 “(1) IN GENERAL.—Notwithstanding subsection
18 (b), (y), or (z)(2), if a fiscal quarter that begins on
19 or after January 1, 2020, is an economic downturn
20 quarter (as defined in paragraph (2)) with respect to
21 a State, then the Federal medical assistance percent-
22 age applicable to amounts expended by the State for
23 medical assistance for services furnished during such
24 quarter shall be increased in accordance with para-
25 graphs (3) and (4).

1 “(2) ECONOMIC DOWNTURN QUARTER.—

2 “(A) IN GENERAL.—

3 “(i) IN GENERAL.—In this subsection,
4 the term ‘economic downturn quarter’
5 means, with respect to a State, a fiscal
6 quarter during which the State’s unem-
7 ployment rate for the quarter exceeds the
8 percentage determined for the State and
9 quarter under clause (ii).

10 “(ii) THRESHOLD PERCENTAGE.—The
11 percentage determined under this clause
12 for a State and fiscal quarter is the per-
13 centage equal to the lower of—

14 “(I) the State unemployment
15 rate at the 20th percentile of the dis-
16 tribution of the State’s quarterly un-
17 employment rates for the 60-quarter
18 period preceding the quarter involved,
19 increased by 1 percentage point; and

20 “(II) the State’s average quar-
21 terly unemployment rate for the 12-
22 quarter period preceding the quarter
23 involved, increased by 1 percentage
24 point.

25 “(B) UNEMPLOYMENT DATA.—

1 “(i) IN GENERAL.—Except as pro-
2 vided in clause (ii), for purposes of deter-
3 mining unemployment rates for a State
4 and a quarter under this paragraph, the
5 Secretary shall use data from the Local
6 Area Unemployment Statistics from the
7 Bureau of Labor Statistics.

8 “(ii) APPLICATION TO CERTAIN TER-
9 RITORIES.—In the case of the Virgin Is-
10 lands, Guam, the Northern Mariana Is-
11 lands, or American Samoa, the Secretary
12 shall use data from the U-6 unemployment
13 measure of the Bureau of Labor Statistics
14 to make any necessary determinations
15 under subparagraph (A).

16 “(3) FMAP INCREASE DURING ECONOMIC
17 DOWNTURN QUARTER.—

18 “(A) IN GENERAL.—During a fiscal quar-
19 ter that is an economic downturn quarter with
20 respect to a State, the Federal medical assist-
21 ance percentage otherwise determined for the
22 State and quarter under subsection (b) and, if
23 applicable, the Federal medical assistance per-
24 centage applicable under subsection (y), (z)(2),
25 or (ff) with respect to medical assistance fur-

1 nished by the State during such quarter to indi-
2 viduals described in either such subsection shall
3 be increased by the number of percentage
4 points (rounded to the nearest tenth of a per-
5 centage point) equal to the product of—

6 “(i) the number of percentage points
7 (rounded to the nearest tenth of a percent-
8 age point) by which the unemployment
9 rate for the State and quarter exceeds the
10 percentage determined for the State and
11 quarter under paragraph (2)(A)(ii); and

12 “(ii) 4.8.

13 “(B) APPLICATION OF COVID-19 FMAP IN-
14 CREASE.—Any increase applicable to the Fed-
15 eral medical assistance percentage of a State
16 for a fiscal quarter under subparagraph (A)
17 shall be in addition to any increase to such per-
18 centage for such quarter made pursuant to sec-
19 tion 6008(a) of the Families First Coronavirus
20 Response Act.

21 “(C) LIMITATION.—In no case shall an in-
22 crease to the Federal medical assistance per-
23 centage of a State under this paragraph result
24 in a Federal medical assistance percentage that
25 exceeds 95 percent.

1 “(D) SCOPE OF APPLICATION.—Any in-
2 crease to the Federal medical assistance per-
3 centage of a State for a fiscal quarter under
4 this paragraph shall only apply with respect to
5 payments for amounts expended by the State
6 for medical assistance for services furnished
7 during such quarter and shall not apply with
8 respect to—

9 “(i) disproportionate share hospital
10 payments described in section 1923;

11 “(ii) payments under title IV or XXI;

12 “(iii) any payments under this title
13 that are based on the enhanced FMAP de-
14 scribed in section 2105(b); or

15 “(iv) any payments under this title
16 that are based on a Federal medical assist-
17 ance percentage determined for a State
18 under subsection (aa) (but only to the ex-
19 tent that such Federal medical assistance
20 percentage is higher than the economic re-
21 covery FMAP).

22 “(4) ADVANCE PAYMENT; RETROSPECTIVE AD-
23 JUSTMENT.—

24 “(A) IN GENERAL.—Prior to the beginning
25 of each fiscal quarter that begins on or after

1 July 1, 2020, the Secretary shall, with respect
2 to each State—

3 “(i) determine the increase (if any)
4 that is expected to apply to the Federal
5 medical assistance percentage of such
6 State for such quarter under this sub-
7 section based on the projections made for
8 the State and quarter under subparagraph
9 (B); and

10 “(ii) shall apply such increase to the
11 Federal medical assistance percentage of
12 the State for purposes of making payments
13 to the State for amounts expended during
14 such quarter as medical assistance under
15 the State plan.

16 “(B) PROJECTION OF STATE UNEMPLOY-
17 MENT RATES.—Prior to the beginning of each
18 fiscal quarter that begins on or after July 1,
19 2020, the Secretary, acting through the Chief
20 Actuary of the Centers for Medicare & Medicaid
21 Services, shall, using the most recently available
22 data described in paragraph (2)(B), make pro-
23 jections with respect to—

24 “(i) the unemployment rates for each
25 State for such quarter;

1 “(ii) the threshold percentages de-
2 scribed in paragraph (2)(A)(ii) for each
3 State for such quarter; and

4 “(iii) the national unemployment rate
5 for such quarter.

6 “(C) RETROSPECTIVE ADJUSTMENT.—As
7 soon as practicable after final unemployment
8 data becomes available for a fiscal quarter that
9 begins on or after July 1, 2020, the Secretary
10 shall, with respect to each State—

11 “(i) make a final determination of the
12 increase (if any) applicable to the Federal
13 medical assistance percentage of the State
14 for the quarter under this subsection; and

15 “(ii) in accordance with subsection
16 (d)(2) of section 1903, reduce or increase
17 the amount payable to the State under
18 subsection (a) of such section for a subse-
19 quent fiscal quarter to the extent of any
20 overpayment or underpayment which the
21 Secretary determines was made as a result
22 of a miscalculation of the increase applica-
23 ble to the Federal medical assistance per-
24 centage of the State for such prior fiscal
25 quarter under this subsection.

1 “(5) RETROSPECTIVE APPLICATION OF OVER-
2 THE-LIMIT FMAP INCREASES.—

3 “(A) IN GENERAL.—If a State has excess
4 percentage points with respect to an economic
5 downturn quarter and an applicable FMAP (as
6 determined under subparagraph (B)), the State
7 may elect to apply such excess percentage
8 points to increase such applicable FMAP for
9 one or more quarters during the look-back pe-
10 riod for the State and economic downturn quar-
11 ter in accordance with this paragraph.

12 “(B) EXCESS PERCENTAGE POINTS.—For
13 purposes of this paragraph, the number of ex-
14 cess percentage points for a State, economic
15 downturn quarter, and an applicable FMAP
16 shall be equal to the number of percentage
17 points by which—

18 “(i) the applicable FMAP for the
19 State and quarter (after application of
20 paragraph (3) but without regard to sub-
21 paragraph (C) of such paragraph); exceeds

22 “(ii) 95 percent.

23 “(C) EFFECT OF APPLICATION OF EXCESS
24 PERCENTAGE POINTS.—If a State elects to
25 apply excess percentage points to an applicable

1 FMAP to a quarter during a look-back period
2 under this paragraph, the Secretary shall deter-
3 mine the additional amount of payment under
4 section 1903(a) to which the State would have
5 been entitled for such quarter if the applicable
6 FMAP (as so increased) had been in effect for
7 such quarter, and shall treat such additional
8 amount as an underpayment for such quarter.

9 “(D) DISTRIBUTION OF EXCESS PERCENT-
10 AGE POINTS.—A State that has excess percent-
11 age points with respect to an economic down-
12 turn quarter and applicable FMAP may elect to
13 divide such points among more than 1 quarter
14 during the look-back period for such State and
15 quarter provided that no excess percentage
16 point (or fraction of an excess percentage point)
17 is applied to the applicable FMAP of more than
18 1 quarter.

19 “(E) LIMITATIONS.—

20 “(i) NO INCREASES OVER 100 PER-
21 CENT.—A State may not increase an appli-
22 cable FMAP for any quarter during a look-
23 back period under this paragraph if such
24 increase would result in the applicable

1 FMAP for such quarter exceeding 100 per-
2 cent.

3 “(ii) SCOPE OF APPLICATION.—Any
4 increase to an applicable FMAP of a State
5 for a fiscal quarter under this paragraph—

6 “(I) shall only apply with respect
7 to payments for amounts expended by
8 the State for medical assistance for
9 services furnished during such quarter
10 to which such applicable FMAP is ap-
11 plicable; and

12 “(II) shall not apply with respect
13 to payments described in paragraph
14 (3)(D).

15 “(F) DEFINITIONS.—In this paragraph:

16 “(i) APPLICABLE FMAP.—The term
17 ‘applicable FMAP’ means, with respect to
18 a State and fiscal quarter—

19 “(I) the Federal medical assist-
20 ance percentage determined for the
21 State and quarter under subsection
22 (b);

23 “(II) the Federal medical assist-
24 ance percentage applicable under sub-
25 section (y);

1 “(III) the Federal medical assist-
2 ance percentage applicable under sub-
3 section (z)(2); or

4 “(IV) the Federal medical assist-
5 ance percentage determined for the
6 State and quarter under subsection
7 (ff).

8 “(ii) LOOK-BACK PERIOD.—The term
9 ‘look-back period’ means, with respect to a
10 State and a fiscal quarter that is an eco-
11 nomic downturn quarter for the State, the
12 period of 4 fiscal quarters that ends with
13 the fourth quarter which precedes the most
14 recent fiscal quarters that was not an eco-
15 nomic downturn quarter for the State.

16 “(6) REQUIREMENT FOR ALL STATES.—A State
17 may not receive an increase in the Federal medical
18 assistance percentage for such State under this sub-
19 section, with respect to a fiscal quarter, if—

20 “(A) eligibility standards, methodologies,
21 or procedures under the State plan or a waiver
22 of such plan are more restrictive during such
23 quarter than the eligibility standards, meth-
24 odologies, or procedures, respectively, under
25 such plan (or waiver) as in effect on the last

1 day of the most recent fiscal quarter that was
2 not an economic downturn quarter for the
3 State;

4 “(B) the amount of any premium imposed
5 by the State pursuant to section 1916 or 1916A
6 during such quarter, with respect to an indi-
7 vidual enrolled under such plan (or waiver), ex-
8 ceeds the amount of such premium as of the
9 date described in subparagraph (A); or

10 “(C) the State fails to provide that an in-
11 dividual who is enrolled for benefits under such
12 plan (or waiver) as of the date described in sub-
13 paragraph (A) or enrolls for benefits under
14 such plan (or waiver) during the period begin-
15 ning with such date and ending with the day
16 before the first day of the next quarter that is
17 not an economic downturn quarter for the State
18 shall be treated as eligible for such benefits for
19 not less than 12 months (or, if such period is
20 less than 12 months, throughout such period)
21 unless the individual requests a voluntary ter-
22 mination of eligibility or the individual ceases to
23 be a resident of the State.”.

1 (b) EXCLUSION OF ECONOMIC DOWNTURN FMAP
2 INCREASES FROM TERRITORIAL CAPS.—Section 1108 of
3 the Social Security Act (42 U.S.C. 1308) is amended—

4 (1) in subsection (f), in the matter preceding
5 paragraph (1), by striking “subsection (g) and sec-
6 tion 1935(e)(1)(B)” and inserting “subsections (g)
7 and (h) and section 1935(e)(1)(B)”; and

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

9 “(h) EXCLUSION FROM CAPS OF AMOUNTS ATTRIB-
10 UTABLE TO ECONOMIC DOWNTURN FMAP.—The portion
11 of any payment made to a territory for a fiscal year that
12 is attributable to an increase in the Federal medical assist-
13 ance percentage for a fiscal quarter during such year
14 under section 1905(gg) shall not be taken into account
15 for purposes of applying payment limits under subsections
16 (f) and (g).”.

17 **SEC. 70102. LIMITATION ON ADDITIONAL SECRETARIAL AC-**
18 **TION WITH RESPECT TO MEDICAID SUPPLE-**
19 **MENTAL PAYMENTS REPORTING REQUIRE-**
20 **MENTS.**

21 (a) IN GENERAL.—Notwithstanding any other provi-
22 sion of law, during the period that begins on the date of
23 enactment of this section and ends the date that is 2 years
24 after the last day of the emergency period defined in para-
25 graph (1)(B) of section 1135(g) of the Social Security Act

1 (42 U.S.C. 1320b–5(g)), the Secretary of Health and
2 Human Services shall not take any action (through pro-
3 mulgation of regulation, issue of regulatory guidance, or
4 otherwise) to—

5 (1) finalize or otherwise implement provisions
6 contained in the proposed rule published on Novem-
7 ber 18, 2019, on pages 63722 through 63785 of vol-
8 ume 84, Federal Register (relating to parts 430,
9 433, 447, 455, and 457 of title 42, Code of Federal
10 Regulations); or

11 (2) promulgate or implement any rule or provi-
12 sion similar to the provisions described in paragraph
13 (1) pertaining to the Medicaid program established
14 under title XIX of the Social Security Act (42
15 U.S.C. 1396 et seq.) or the State Children’s Health
16 Insurance Program established under title XXI of
17 such Act (42 U.S.C. 1397aa et seq.).

18 (b) CONTINUATION OF OTHER SECRETARIAL AU-
19 THORITY.—Nothing in this section shall be construed as
20 prohibiting the Secretary during the period described in
21 subsection (a) from taking any action (through promulga-
22 tion of regulation, issuance of regulatory guidance, or
23 other administrative action) to enforce a provision of law
24 in effect as of the date of enactment of this section with
25 respect to the Medicaid program established under title

1 XIX of the Social Security Act (42 U.S.C. 1396 et seq.)
2 or the State Children’s Health Insurance Program estab-
3 lished under title XXI of such Act (42 U.S.C. 1397aa et
4 seq.), or to promulgate or implement a new rule or provi-
5 sion during such period with respect to such programs,
6 other than a rule or provision described in subsection (a)
7 and subject to the prohibition set forth in that subsection.

8 **SEC. 70103. AUTHORITY TO AWARD MEDICAID HCBS**
9 **GRANTS TO RESPOND TO THE COVID-19 PUB-**
10 **LIC HEALTH EMERGENCY.**

11 (a) IN GENERAL.—The Secretary is authorized to
12 award grants to States in accordance with this section to
13 enhance access to home and community-based services
14 during the COVID-19 public health emergency period.

15 (b) DEFINITIONS.—In this section:

16 (1) COVID-19 PUBLIC HEALTH EMERGENCY
17 PERIOD.—The term “COVID-19 public health emer-
18 gency period” means the portion of the emergency
19 period defined in paragraph (1)(B) of section
20 1135(g) of the Social Security Act (42 U.S.C.
21 1320b-5(g)) beginning on or after the date of the
22 enactment of this Act.

23 (2) ELIGIBLE INDIVIDUAL.—The term “eligible
24 individual” means an individual who is eligible for or

1 enrolled for medical assistance under a State Med-
2 icaid program.

3 (3) HOME AND COMMUNITY-BASED SERV-
4 ICES.—The term “home and community-based serv-
5 ices” means, with respect to a State Medicaid pro-
6 gram, home and community-based services (includ-
7 ing home health and personal care services) that are
8 provided under the State’s qualified HCBS program
9 or that could be provided under such a program but
10 are otherwise provided under the Medicaid program.

11 (4) INDIAN TRIBE.—The term “Indian tribe”
12 means an Indian tribe, a tribal organization, or an
13 urban Indian organization (as such terms are de-
14 fined in section 4 of the Indian Health Care Im-
15 provement Act (25 U.S.C. 1603)), and includes a
16 tribal consortium of Indian tribes or tribal organiza-
17 tions (as so defined).

18 (5) MEDICAID PROGRAM.—The term “Medicaid
19 program” means, with respect to a State, the State
20 program under title XIX of the Social Security Act
21 (42 U.S.C. 1396 et seq.) (including any waiver or
22 demonstration under such title or under section
23 1115 of such Act (42 U.S.C. 1315) relating to such
24 title).

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

3 (7) STATE.—The term “State” has the mean-
4 ing given such term for purposes of title XIX of the
5 Social Security Act (42 U.S.C. 1396 et seq.).

6 (8) QUALIFIED HCBS PROGRAM.—The term
7 “qualified HCBS program” means a program pro-
8 viding home and community-based services operating
9 under a State Medicaid program, whether or not op-
10 erating under waiver authority.

11 (c) GRANTS TO STATES.—

12 (1) IN GENERAL.—During the COVID–19 pub-
13 lic health emergency period, the Secretary may
14 award grants to States with applications meeting the
15 requirements of paragraph (2).

16 (2) APPLICATION REQUIREMENTS.—A State
17 seeking a grant under this section shall submit an
18 application to the Secretary at such time, in such
19 form and manner, and containing such information
20 as the Secretary shall require.

21 (3) LIMITATIONS.—

22 (A) TERMINATION OF AUTHORITY.—The
23 Secretary shall not award any grants under this
24 section with respect to a State that submits an
25 application after the date that is 60 days after

1 the end of the COVID–19 public health emer-
2 gency period.

3 (B) USE OF FUNDS.—A State to which a
4 grant is made under this section shall only use
5 grant funds in accordance with subsection (d).

6 (C) MAINTENANCE OF STATE EFFORT.—
7 Federal funds paid to a State pursuant to this
8 section must be used to supplement, but not
9 supplant, the level of State funds expended for
10 home and community-based services for eligible
11 individuals programs in effect for such individ-
12 uals at the time the grant is awarded under
13 this section.

14 (4) MONTHLY GRANT PAYMENT AMOUNTS.—

15 (A) IN GENERAL.—Subject to paragraph
16 (5), the Secretary shall pay to each State that
17 is awarded a grant under this section, for each
18 month during the State’s grant period (as de-
19 fined in subparagraph (C)), an amount equal to
20 15 percent of the amount determined for the
21 State under subparagraph (B).

22 (B) AVERAGE MONTHLY HCBS EXPENDI-
23 TURES.—The amount determined for a State
24 under this subparagraph is the amount equal
25 to—

1 (i) the sum of—

2 (I) the average annual amount of
3 State expenditures under title XIX of
4 the Social Security Act (42 U.S.C.
5 1396 et seq.) that are attributable to
6 providing medical assistance for home
7 and community-based services for the
8 3 most recent fiscal years for which
9 data is available; and

10 (II) the average annual amount,
11 if any, received by the State pursuant
12 to an MFP demonstration project
13 conducted under section 6071 of the
14 Deficit Reduction Act of 2005 (42
15 U.S.C. 1396a note) for the 3 most re-
16 cent fiscal years for which data is
17 available; divided by

18 (ii) 12.

19 (C) GRANT PERIOD DEFINED.—In this
20 paragraph, the term “grant period” means,
21 with respect to a State, the period of months—

22 (i) beginning with the month in which
23 the Secretary approves the State’s applica-
24 tion for a grant under this section; and

1 (ii) ending with the 12th month that
2 begins after the end of the COVID–19
3 public health emergency period.

4 (5) GRANTS TO INDIAN TRIBES.—

5 (A) IN GENERAL.—During the COVID–19
6 public health emergency period, the Secretary
7 may award grants to an Indian tribe in the
8 same manner, and subject to the same require-
9 ments, as apply to a State, except as otherwise
10 provided in this paragraph.

11 (B) APPLICATION.—Any Indian tribe seek-
12 ing a grant under this section shall submit to
13 the Secretary an application that includes (in
14 addition to any other information the Secretary
15 shall require) an identification of the population
16 and service area or areas to be served by the
17 activities and programs that will be funded by
18 the grant.

19 (C) MONTHLY GRANT PAYMENT
20 AMOUNTS.—

21 (i) IN GENERAL.—The Secretary shall
22 pay to each Indian tribe that is awarded a
23 grant under this section, for each month
24 during the tribe’s grant period (as defined
25 in clause (iii)), an amount equal to 15 per-

1 cent of the amount determined for the
2 tribe under clause (ii).

3 (ii) TRIBAL SHARE OF MONTHLY
4 HCBS EXPENDITURES.—The amount deter-
5 mined for an Indian tribe under this clause
6 is equal to the—

7 (I) the total of the average an-
8 nual amount of State expenditures
9 made by a State or States under title
10 XIX of the Social Security Act (42
11 U.S.C. 1396 et seq.) that are attrib-
12 utable to providing medical assistance
13 for home and community-based serv-
14 ices to eligible individuals who reside
15 in the service area or areas identified
16 by the tribe pursuant to subparagraph
17 (B) for the 3 most recent fiscal years
18 for which data is available; divided by

19 (II) 12.

20 (iii) GRANT PERIOD.—The term
21 “grant period” has the same meaning with
22 respect to an Indian tribe as the term has
23 with respect to a State under paragraph
24 (4)(C).

1 (D) REDUCTION OF STATE GRANT
2 AMOUNTS.—If any State in which lies a service
3 area or areas identified by an Indian tribe in a
4 successful grant application pursuant to sub-
5 paragraph (B) is also awarded a grant under
6 this section, the Secretary shall reduce the
7 amount payable to such State each month
8 under paragraph (4) by the portion of the
9 amount payable to the Indian tribe under this
10 paragraph that is attributable to expenditures
11 by the State.

12 (d) PERMISSIBLE USES OF FUNDS.—

13 (1) IN GENERAL.—A State to which a grant is
14 made under this section may use grant funds—

15 (A) to work with community partners such
16 as Area Agencies on Aging, Independent Living
17 Centers, non-profit home and community based
18 service providers, and other entities providing
19 home and community-based services;

20 (B) during the COVID–19 public health
21 emergency period, for the purposes described in
22 paragraph (2); and

23 (C) after the end of such period, for the
24 purposes described in paragraph (3).

1 (2) PERMISSIBLE USES DURING THE EMER-
2 GENCY PERIOD.—The purposes described in this
3 paragraph for which a State may use grant funds
4 awarded under this section are the following:

5 (A) To increase rates for home health and
6 direct service worker agencies to provide home
7 and community-based services under the State
8 Medicaid program, provided that any agency or
9 individual that receives payment under such an
10 increased rate increases the compensation it
11 pays its home health or direct service workers.

12 (B) To provide paid sick leave, paid family
13 leave, and paid medical leave for home health
14 workers and direct service workers.

15 (C) To provide hazard pay, overtime pay,
16 and shift differential pay for home health work-
17 ers and direct service workers.

18 (D) To provide home and community-
19 based services to eligible individuals who are on
20 waiting lists for programs approved under sec-
21 tions 1115 or 1915 of the Social Security Act
22 (42 U.S.C. 1315, 1396n).

23 (E) To purchase emergency supplies and
24 equipment necessary to enhance access to serv-

1 ices and to protect the health and well-being of
2 home health workers and direct service workers.

3 (F) To pay for home health worker and di-
4 rect service worker travel to conduct home and
5 community-based services.

6 (G) To recruit new direct service workers
7 and home health workers.

8 (H) To support family care providers of el-
9 igible individuals with needed supplies and
10 equipment and pay.

11 (I) To pay for training for direct service
12 workers and home health workers that is spe-
13 cific to the COVID–19 public health emergency.

14 (J) To pay for assistive technologies, staff-
15 ing, and other costs incurred during the public
16 health emergency in order to facility community
17 integration and ensure an individual’s person-
18 centered service plan continue to be fully imple-
19 mented.

20 (K) To support direct service workers and
21 home health workers going to nursing facilities,
22 hospitals, institutions, and quarantine settings
23 to provide services to eligible individuals who
24 usually receive home and community-based

1 services and have chosen to temporarily move to
2 a more restrictive setting.

3 (L) To prepare information and public
4 health and educational materials in accessible
5 formats about prevention, treatment, recovery
6 and other aspects of COVID–19 for eligible in-
7 dividuals, their families, and the general com-
8 munity served by home health and direct service
9 agencies, including formats accessible to people
10 with low literacy or intellectual disabilities.

11 (M) To pay for American sign language in-
12 terpreters to assist in providing home and com-
13 munity-based services to eligible individuals and
14 to inform the general public about COVID–19.

15 (N) To allow for day service providers to
16 shift to providing home-based services.

17 (O) To pay for COVID–19 testing in home
18 settings.

19 (P) To pay for other expenses deemed ap-
20 propriate by the Secretary and which meet the
21 criteria of the home and community-based set-
22 tings rule.

23 (3) PERMISSIBLE USES AFTER THE EMER-
24 GENCY PERIOD.—The purpose described in this
25 paragraph for which a State may use grant funds

1 awarded under this section is to assist eligible indi-
2 viduals who had to relocate to a nursing facility or
3 institutional setting from their homes during the
4 COVID–19 public health emergency period in—

5 (A) moving back to their homes (including
6 by paying for moving costs);

7 (B) resuming home and community-based
8 services;

9 (C) receiving mental health services and
10 necessary rehabilitative service to regain skills
11 lost while relocated during the public health
12 emergency period; and

13 (D) continuing home and community-based
14 services for eligible individuals who were served
15 from a waiting list for such services during the
16 public health emergency period.

17 (e) REPORTING REQUIREMENTS.—

18 (1) STATE REPORTING REQUIREMENTS.—Not
19 later than 18 months after the end of the COVID–
20 19 public health emergency period, any State that
21 received a grant under this section shall submit a re-
22 port to the Secretary that contains the following in-
23 formation:

24 (A) Activities and programs that were
25 funded using grant amounts.

1 (B) The number of eligible individuals who
2 were served by such activities and programs.

3 (C) The number of eligible individuals who
4 were able to resume home and community-
5 based services as a result of such activities and
6 programs.

7 (2) HHS REPORT.—Not later than 18 months
8 after the end of the COVID–19 public health emer-
9 gency period, the Secretary shall issue a public sum-
10 mary of the grants awarded under this section.

11 (f) APPROPRIATION.—

12 (1) IN GENERAL.—Subject to paragraph (2),
13 there are appropriated for fiscal year 2020 from any
14 funds in the Treasury not otherwise appropriated
15 such sums as are necessary to carry out this section,
16 to remain available until expended.

17 (2) AVAILABILITY OF APPROPRIATIONS.—
18 Amounts made available under paragraph (1) shall
19 not be available for the awarding of grants to States
20 that do not submit an application for such a grant
21 before the date described in subsection (c)(3)(A).

22 (3) UNUSED GRANT FUNDS.—A State that re-
23 ceives a grant under this section shall return to the
24 Secretary any portion of such grant that is unused
25 as of the date that is 1 year after the last day of

1 the COVID–19 public health emergency period, and
2 such returned portion shall revert to the Treasury.

3 (g) PROVIDING HOME AND COMMUNITY-BASED
4 SERVICES IN ACUTE CARE HOSPITALS.—Section 1902(h)
5 of the Social Security Act (42 U.S.C. 1396a(h)) is amend-
6 ed—

7 (1) by inserting “(1)” after “(h)”;

8 (2) by inserting “, home and community-based
9 services provided under subsection (c), (d), or (i) of
10 section 1915 or under a waiver under section 1115,
11 self-directed personal assistance services provided
12 pursuant to a written plan of care under section
13 1915(j), and home and community-based attendant
14 services and supports under section 1915(k)” before
15 the period; and

16 (3) by adding at the end the following:

17 “(2) Nothing in this title, title XVIII, or title XI shall
18 be construed as prohibiting receipt of any care or services
19 specified in paragraph (1) in an acute care hospital that
20 are—

21 “(A) identified in an individual’s person-cen-
22 tered plan of services and supports (or comparable
23 plan of care);

1 “(B) provided to meet needs of the individual
2 that are not met through the provision of hospital
3 services;

4 “(C) not a substitute for services that the hos-
5 pital is obligated to provide through its conditions of
6 participation or under Federal or State law; and

7 “(D) designed to ensure smooth transitions be-
8 tween acute care settings and home and community-
9 based settings, and to preserve the individual’s func-
10 tions.”.

11 **SEC. 70104. DELAY IN REDUCTION OF FMAP FOR MEDICAID**
12 **PERSONAL CARE SERVICES FURNISHED**
13 **WITHOUT AN ELECTRONIC VISIT**
14 **VERIFICATION SYSTEM.**

15 Section 1903(l) of the Social Security Act (42 U.S.C.
16 1396b(l)) is amended—

17 (1) in paragraph (1)—

18 (A) by striking “January 1, 2020” and in-
19 serting “the date that is 6 months after the end
20 of the emergency period described in section
21 1135(g)(1)(B)”;

22 (B) in subparagraph (A), by inserting “(if
23 applicable)” after “percentage points” each
24 place it appears; and

1 Act (42 U.S.C. 1396o), as amended by section
2 6004(a)(2)(A) of the Families First
3 Coronavirus Response Act, are each amended—

4 (i) in subparagraph (F), by striking
5 “or” at the end;

6 (ii) in subparagraph (G), by striking
7 “; and” and inserting “, or”; and

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

10 “(H) a COVID–19 vaccine licensed under
11 section 351 of the Public Health Service Act
12 and the administration of such vaccine, or

13 “(I) any item or service furnished for the
14 treatment of COVID–19 or a condition that
15 may complicate the treatment of COVID–19;
16 and”.

17 (B) APPLICATION TO ALTERNATIVE COST
18 SHARING.—Section 1916A(b)(3)(B) of the So-
19 cial Security Act (42 U.S.C. 1396o-
20 1(b)(3)(B)), as amended by section
21 6004(a)(2)(B) of the Families First
22 Coronavirus Response Act, is amended—

23 (i) in clause (xi), by striking “any
24 visit” and inserting “any service”; and

1 (ii) by adding at the end the following
2 clauses:

3 “(xii) A COVID–19 vaccine licensed
4 under section 351 of the Public Health
5 Service Act and the administration of such
6 vaccine.

7 “(xiii) An item or service furnished
8 for the treatment of COVID–19 or a con-
9 dition that may complicate the treatment
10 of COVID–19.”.

11 (C) CLARIFICATION.—The amendments
12 made this subsection shall apply with respect to
13 a State plan of a territory in the same manner
14 as a State plan of one of the 50 States.

15 (b) STATE PEDIATRIC VACCINE DISTRIBUTION PRO-
16 GRAM.—Section 1928 of the Social Security Act (42
17 U.S.C. 1396s) is amended—

18 (1) in subsection (a)(1)—

19 (A) in subparagraph (A), by striking “;
20 and” and inserting a semicolon;

21 (B) in subparagraph (B), by striking the
22 period and inserting “; and”; and

23 (C) by adding at the end the following sub-
24 paragraph:

1 “(C) each vaccine-eligible child (as defined
2 in subsection (b)) is entitled to receive a
3 COVID–19 vaccine from a program-registered
4 provider (as defined in subsection (h)(8)) with-
5 out charge for—

6 “(i) the cost of such vaccine; or

7 “(ii) the administration of such vac-
8 cine.”;

9 (2) in subsection (c)(2)—

10 (A) in subparagraph (C)(ii), by inserting “,
11 but may not impose a fee for the administration
12 of a COVID–19 vaccine” before the period; and

13 (B) by adding at the end the following sub-
14 paragraph:

15 “(D) The provider will provide and admin-
16 ister an approved COVID–19 vaccine to a vac-
17 cine-eligible child in accordance with the same
18 requirements as apply under the preceding sub-
19 paragraphs to the provision and administration
20 of a qualified pediatric vaccine to such a
21 child.”; and

22 (3) in subsection (d)(1), in the first sentence,
23 by inserting “, including with respect to a COVID–
24 19 vaccine licensed under section 351 of the Public
25 Health Service Act” before the period.

1 (c) CHIP.—

2 (1) IN GENERAL.—Section 2103(c) of the So-
3 cial Security Act (42 U.S.C. 1397cc(e)), as amended
4 by section 6004(b)(1) of the Families First
5 Coronavirus Response Act, is amended by adding at
6 the end the following paragraph:

7 “(11) COVERAGE OF COVID–19 VACCINES AND
8 TREATMENT.—The child health assistance provided
9 to a targeted low-income child shall include coverage
10 of—

11 “(A) any COVID–19 vaccine licensed
12 under section 351 of the Public Health Service
13 Act and the administration of such vaccine; and

14 “(B) any item or service furnished for the
15 treatment of COVID–19 or a condition that
16 may complicate the treatment of COVID–19.”.

17 (2) PROHIBITION OF COST SHARING.—Section
18 2103(e)(2) of the Social Security Act (42 U.S.C.
19 1397cc(e)(2)), as amended by section 6004(b)(3) of
20 the Families First Coronavirus Response Act, is
21 amended—

22 (A) in the paragraph header, by inserting
23 “A COVID–19 VACCINE, COVID–19 TREATMENT,”
24 before “OR PREGNANCY-RELATED ASSISTANCE”;
25 and

1 (B) by striking “visits described in section
2 1916(a)(2)(G), or” and inserting “services de-
3 scribed in section 1916(a)(2)(G), vaccines de-
4 scribed in section 1916(a)(2)(H), items or serv-
5 ices described in section 1916(a)(2)(I), or”.

6 (d) CONFORMING AMENDMENTS.—Section 1937 of
7 the Social Security Act (42 U.S.C. 1396u–7) is amend-
8 ed—

9 (1) in subsection (a)(1)(B), by inserting “,
10 under subclause (XXIII) of section
11 1902(a)(10)(A)(ii),” after “section
12 1902(a)(10)(A)(i)”;

13 (2) in subsection (b)(5), by adding before the
14 period the following: “, and, effective on the date of
15 the enactment of the Take Responsibility for Work-
16 ers and Families Act, must comply with subpara-
17 graphs (F) through (I) of subsections (a)(2) and
18 (b)(2) of sections 1916 and 1916A”.

19 (e) EFFECTIVE DATE.—The amendments made by
20 this section shall take effect on the date of enactment of
21 this Act and shall apply with respect to a COVID–19 vac-
22 cine beginning on the date that such vaccine is licensed
23 under section 351 of the Public Health Service Act (42
24 U.S.C. 262).

1 **SEC. 70106. OPTIONAL COVERAGE AT NO COST SHARING OF**
2 **COVID-19 TREATMENT AND VACCINES UNDER**
3 **MEDICAID FOR UNINSURED INDIVIDUALS.**

4 (a) **IN GENERAL.**—Section 1902(a)(10) of the Social
5 Security Act (42 U.S.C. 1396a(a)(10) is amended, in the
6 matter following subparagraph (G), by striking “and any
7 visit described in section 1916(a)(2)(G)” and inserting the
8 following: “, any COVID-19 vaccine that is administered
9 during any such portion (and the administration of such
10 vaccine), any item or service that is furnished during any
11 such portion for the treatment of COVID-19 or a condi-
12 tion that may complicate the treatment of COVID-19,
13 and any services described in section 1916(a)(2)(G)”.

14 (b) **DEFINITION OF UNINSURED INDIVIDUAL.**—Sub-
15 section (ss) of section 1902 of the Social Security Act (42
16 U.S.C. 1396a), as added by section 6004(a)(3)(C) of the
17 Families First Coronavirus Response Act, is amended to
18 read as follows:

19 “(ss) **UNINSURED INDIVIDUAL DEFINED.**—For pur-
20 poses of this section, the term ‘uninsured individual’
21 means, notwithstanding any other provision of this title,
22 any individual who is not covered by minimum essential
23 coverage (as defined in section 5000A(f)(1) of the Internal
24 Revenue Code of 1986).”.

25 (c) **CLARIFICATION REGARDING EMERGENCY SERV-**
26 **ICES FOR CERTAIN INDIVIDUALS.**—Section 1903(v)(2) of

1 the Social Security Act (42 U.S.C. 1396b(v)(2)) is amend-
2 ed by adding at the end the following flush sentence:

3 “For purposes of subparagraph (A), care and serv-
4 ices described in such subparagraph include any in
5 vitro diagnostic product described in section
6 1905(a)(3)(B) that is administered during any por-
7 tion of the emergency period described in such sec-
8 tion beginning on or after the date of the enactment
9 of this sentence (and the administration of such
10 product), any COVID–19 vaccine that is adminis-
11 tered during any such portion (and the administra-
12 tion of such vaccine), any item or service that is fur-
13 nished during any such portion for the treatment of
14 COVID–19 or a condition that may complicate the
15 treatment of COVID–19, and any services described
16 in section 1916(a)(2)(G).”.

17 (d) INCLUSION OF COVID–19 CONCERN AS AN
18 EMERGENCY CONDITION.—Section 1903(v)(3) of the So-
19 cial Security Act (42 U.S.C. 1396b(v)(3)) is amended by
20 adding at the end the following flush sentence:

21 “Such term includes any indication that an alien de-
22 scribed in paragraph (1) may have contracted
23 COVID–19.”.

1 **SEC. 70107. TEMPORARY INCREASE IN MEDICAID FEDERAL**
2 **FINANCIAL PARTICIPATION FOR TELE-**
3 **HEALTH SERVICES.**

4 (a) IN GENERAL.—Subject to subsection (b), for each
5 calendar quarter occurring during the period beginning on
6 the first day of the emergency period defined in paragraph
7 (1)(B) of section 1135(g) of the Social Security Act (42
8 U.S.C. 1320b–5(g)) and ending on the last day of the cal-
9 endar quarter in which the last day of such emergency
10 period occurs, in the case of a State that has expenditures
11 for telehealth services furnished during such quarter for
12 which payment may be made to the State under section
13 1903(a) of the Social Security Act (42 U.S.C. 1396b(a)),
14 the percentage of Federal financial participation otherwise
15 required to be paid to such State under such section for
16 such amounts expended shall be increased by one percent-
17 age point.

18 (b) REQUIREMENTS.—A State described in sub-
19 section (a) may not receive the percentage increase in Fed-
20 eral financial participation described in such subsection
21 with respect to a calendar quarter unless the State pro-
22 vides for telehealth services under the State plan approved
23 under such title XIX (or a waiver of such plan) during
24 such quarter in the same manner and to the same extent
25 that telehealth services are covered under section 1834(m)
26 of the Social Security Act (42 U.S.C. 1395m(m)), includ-

1 ing pursuant to any waiver under section 1135 of such
2 Act (42 U.S.C. 1320b–5). Nothing in the preceding sen-
3 tence shall be construed as requiring a State to pay for
4 telehealth services furnished to an individual eligible under
5 the State plan (or waiver) at a rate that would exceed the
6 payment amount that otherwise would be made under the
7 State plan (or waiver) for such services.

8 **SEC. 70108. EXTENSION OF FULL FEDERAL MEDICAL AS-**
9 **SISTANCE PERCENTAGE TO INDIAN HEALTH**
10 **CARE PROVIDERS.**

11 Section 1905 of the Social Security Act (42 U.S.C.
12 1396d) is amended—

13 (1) in subsection (a)(9), by inserting “and in-
14 cluding such services furnished in any location by or
15 through an Indian health care provider (as defined
16 in section 1932(h)(4)(A))” before the semicolon; and

17 (2) in subsection (b)—

18 (A) by inserting “(whether or not such
19 services are provided within such a facility)”
20 following “received through an Indian Health
21 Service facility,”; and

22 (B) by striking “Indian Health Care Im-
23 provement Act)” and inserting “Indian Health
24 Care Improvement Act), or through an Urban
25 Indian organization (as defined in section 4 of

1 the Indian Health Care Improvement Act) pur-
2 suant to a grant or contract with the Indian
3 Health Service under title V of the Indian
4 Health Care Improvement Act”.

5 **SEC. 70109. MEDICAID COVERAGE FOR CITIZENS OF FREE-**
6 **LY ASSOCIATED STATES.**

7 (a) IN GENERAL.—Section 402(b)(2) of the Personal
8 Responsibility and Work Opportunity Reconciliation Act
9 of 1996 (8 U.S.C. 1612(b)(2)) is amended by adding at
10 the end the following new subparagraph:

11 “(G) MEDICAID EXCEPTION FOR CITIZENS
12 OF FREELY ASSOCIATED STATES.—With respect
13 to eligibility for benefits for the designated Fed-
14 eral program defined in paragraph (3)(C) (re-
15 lating to the Medicaid program), section 401(a)
16 and paragraph (1) shall not apply to any indi-
17 vidual who lawfully resides in 1 of the 50 States
18 or the District of Columbia in accordance with
19 the Compacts of Free Association between the
20 Government of the United States and the Gov-
21 ernments of the Federated States of Micro-
22 nesia, the Republic of the Marshall Islands, and
23 the Republic of Palau and shall not apply, at
24 the option of the Governor of Puerto Rico, the
25 Virgin Islands, Guam, the Northern Mariana

1 Islands, or American Samoa as communicated
2 to the Secretary of Health and Human Services
3 in writing, to any individual who lawfully re-
4 sides in the respective territory in accordance
5 with such Compacts.”.

6 (b) EXCEPTION TO 5-YEAR LIMITED ELIGIBILITY.—
7 Section 403(d) of such Act (8 U.S.C. 1613(d)) is amend-
8 ed—

9 (1) in paragraph (1), by striking “or” at the
10 end;

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

13 (3) by adding at the end the following new
14 paragraph:

15 “(3) an individual described in section
16 402(b)(2)(G), but only with respect to the des-
17 ignated Federal program defined in section
18 402(b)(3)(C).”.

19 (c) DEFINITION OF QUALIFIED ALIEN.—Section
20 431(b) of such Act (8 U.S.C. 1641(b)) is amended—

21 (1) in paragraph (6), by striking “; or” at the
22 end and inserting a comma;

23 (2) in paragraph (7), by striking the period at
24 the end and inserting “, or”; and

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

3 “(8) an individual who lawfully resides in the
4 United States in accordance with a Compact of Free
5 Association referred to in section 402(b)(2)(G), but
6 only with respect to the designated Federal program
7 defined in section 402(b)(3)(C) (relating to the Med-
8 icaid program).”.

9 (d) CONFORMING AMENDMENTS.—Section 1108 of
10 the Social Security Act (42 U.S.C. 1308), as amended by
11 section 101(b), is further amended—

12 (1) in subsection (f), in the matter preceding
13 paragraph (1), by striking “subsections (g) and (h)
14 and section 1935(e)(1)(B)” and inserting “sub-
15 sections (g), (h), and (i) and section 1935(e)(1)(B)”;
16 and

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

18 “(i) EXCLUSION OF MEDICAL ASSISTANCE EXPENDI-
19 TURES FOR CITIZENS OF FREELY ASSOCIATED STATES.—
20 Expenditures for medical assistance provided to an indi-
21 vidual described in section 431(b)(8) of the Personal Re-
22 sponsibility and Work Opportunity Reconciliation Act of
23 1996 (8 U.S.C. 1641(b)(8)) shall not be taken into ac-
24 count for purposes of applying payment limits under sub-
25 sections (f) and (g).”.

1 (e) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to benefits for items and services
3 furnished on or after the date of the enactment of this
4 Act.

5 **SEC. 70110. INCREASED FMAP FOR MEDICAL ASSISTANCE**
6 **TO NEWLY ELIGIBLE INDIVIDUALS.**

7 (a) IN GENERAL.—Section 1905(y)(1) of the Social
8 Security Act (42 U.S.C. 1396d(y)(1)) is amended—

9 (1) in subparagraph (A), by striking “2014,
10 2015, and 2016” and inserting “each of the first 3
11 consecutive 12-month periods in which the State
12 provides medical assistance to newly eligible individ-
13 uals”;

14 (2) in subparagraph (B), by striking “2017”
15 and inserting “the fourth consecutive 12-month pe-
16 riod in which the State provides medical assistance
17 to newly eligible individuals”;

18 (3) in subparagraph (C), by striking “2018”
19 and inserting “the fifth consecutive 12-month period
20 in which the State provides medical assistance to
21 newly eligible individuals”;

22 (4) in subparagraph (D), by striking “2019”
23 and inserting “the sixth consecutive 12-month period
24 in which the State provides medical assistance to
25 newly eligible individuals”; and

1 (5) in subparagraph (E), by striking “2020 and
2 each year thereafter” and inserting “the seventh
3 consecutive 12-month period in which the State pro-
4 vides medical assistance to newly eligible individuals
5 and each such period thereafter”.

6 (b) EFFECTIVE DATE.—The amendments made by
7 subsection (a) shall take effect as if included in the enact-
8 ment of the Patient Protection and Affordable Care Act.

9 **SEC. 70111. RENEWAL OF APPLICATION OF MEDICARE PAY-**
10 **MENT RATE FLOOR TO PRIMARY CARE SERV-**
11 **ICES FURNISHED UNDER MEDICAID AND IN-**
12 **CLUSION OF ADDITIONAL PROVIDERS.**

13 (a) RENEWAL OF PAYMENT FLOOR; ADDITIONAL
14 PROVIDERS.—

15 (1) IN GENERAL.—Section 1902(a)(13) of the
16 Social Security Act (42 U.S.C. 1396a(a)(13)) is
17 amended by striking subparagraph (C) and inserting
18 the following:

19 “(C) payment for primary care services (as
20 defined in subsection (jj)) at a rate that is not
21 less than 100 percent of the payment rate that
22 applies to such services and physician under
23 part B of title XVIII (or, if greater, the pay-
24 ment rate that would be applicable under such
25 part if the conversion factor under section

1 1848(d) for the year involved were the conver-
2 sion factor under such section for 2009), and
3 that is not less than the rate that would other-
4 wise apply to such services under this title if
5 the rate were determined without regard to this
6 subparagraph, and that are—

7 “(i) furnished in 2013 and 2014, by a
8 physician with a primary specialty designa-
9 tion of family medicine, general internal
10 medicine, or pediatric medicine; or

11 “(ii) furnished during the period be-
12 ginning on the first day of the first month
13 beginning after the date of the enactment
14 of the Take Responsibility for Workers and
15 Families Act and ending on the last day of
16 the calendar quarter during which the last
17 day of the emergency period described in
18 section 1135(g)(1)(B) occurs—

19 “(I) by a physician with a pri-
20 mary specialty designation of family
21 medicine, general internal medicine,
22 pediatric medicine, or obstetrics and
23 gynecology, but only if the physician
24 self-attests that the physician is
25 board-certified in family medicine,

1 general internal medicine, pediatric
2 medicine, or obstetrics and gynecology,
3 respectively;

4 “(II) by a physician with a primary specialty designation of a family
5 medicine subspecialty, an internal
6 medicine subspecialty, a pediatric subspecialty,
7 or a subspecialty of obstetrics and gynecology,
8 without regard to the board that offers the designation
9 for such a subspecialty, but only if the
10 physician self-attests that the physician
11 is board-certified in such a subspecialty;
12
13
14

15 “(III) by an advanced practice
16 clinician, as defined by the Secretary,
17 that works under the supervision of—

18 “(aa) a physician described
19 in subclause (I) or (II); or

20 “(bb) a nurse practitioner or
21 a physician assistant (as such
22 terms are defined in section
23 1861(aa)(5)(A)) who is working
24 in accordance with State law, or
25 a certified nurse-midwife (as de-

1 fined in section 1861(gg)(2)) who
2 is working in accordance with
3 State law;

4 “(IV) by a rural health clinic,
5 Federally-qualified health center, or
6 other health clinic that receives reim-
7 bursement on a fee schedule applica-
8 ble to a physician described in sub-
9 clause (I) or (II), an advanced prac-
10 tice clinician described in subclause
11 (III), or a nurse practitioner, physi-
12 cian assistant, or certified nurse-mid-
13 wife described in subclause (III)(bb),
14 for services furnished by—

15 “(aa) such a physician,
16 nurse practitioner, physician as-
17 sistant, or certified nurse-mid-
18 wife, respectively; or

19 “(bb) an advanced practice
20 clinician supervised by such a
21 physician, nurse practitioner,
22 physician assistant, or certified
23 nurse-midwife; or

24 “(V) by a nurse practitioner,
25 physician assistant, or certified nurse-

1 midwife described in subclause
2 (III)(bb), in accordance with proce-
3 dures that ensure that the portion of
4 the payment for such services that the
5 nurse practitioner, physician assist-
6 ant, or certified nurse-midwife is paid
7 is not less than the amount that the
8 nurse practitioner, physician assist-
9 ant, or certified nurse-midwife would
10 be paid if the services were provided
11 under part B of title XVIII;”.

12 (2) CONFORMING AMENDMENTS.—Section
13 1905(dd) of the Social Security Act (42 U.S.C.
14 1396d(dd)) is amended—

15 (A) by striking “Notwithstanding” and in-
16 serting the following:

17 “(1) IN GENERAL.—Notwithstanding”;

18 (B) by inserting “or furnished during the
19 additional period specified in paragraph (2),”
20 after “2015,”; and

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

22 “(2) ADDITIONAL PERIOD.—For purposes of
23 paragraph (1), the additional period specified in this
24 paragraph is the period with respect to which section
25 1902(a)(13)(C)(ii) applies.”.

1 (b) IMPROVED TARGETING OF PRIMARY CARE.—Sec-
2 tion 1902(jj) of the Social Security Act (42 U.S.C.
3 1396a(jj)) is amended—

4 (1) by redesignating paragraphs (1) and (2) as
5 subparagraphs (A) and (B), respectively, and mov-
6 ing the margin of each such subparagraph, as so re-
7 designated, 2 ems to the right;

8 (2) by striking “For purposes of” and inserting
9 the following:

10 “(1) IN GENERAL.—For purposes of”; and

11 (3) by adding at the end the following:

12 “(2) EXCLUSIONS.—Such term does not include
13 any services described in subparagraph (A) or (B) of
14 paragraph (1) if such services are provided in an
15 emergency department of a hospital during the pe-
16 riod described in subsection (a)(13)(C)(ii).”.

17 (c) ENSURING PAYMENT BY MANAGED CARE ENTI-
18 TIES.—

19 (1) IN GENERAL.—Section 1903(m)(2)(A) of
20 the Social Security Act (42 U.S.C. 1396b(m)(2)(A))
21 is amended—

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

24 (B) in clause (xiii)—

1 (i) by moving the margin of such
2 clause 2 ems to the left; and

3 (ii) by striking the period at the end
4 and inserting “; and”; and

5 (C) by inserting after clause (xiii) the fol-
6 lowing:

7 “(xiv) such contract provides that (I) payments
8 to health care providers specified in section
9 1902(a)(13)(C) for furnishing primary care services
10 defined in section 1902(jj) during a year or period
11 specified in section 1902(a)(13)(C) are at least equal
12 to the amounts set forth and required by the Sec-
13 retary by regulation, (II) the entity shall, upon re-
14 quest, provide documentation to the State that is
15 sufficient to enable the State and the Secretary to
16 ensure compliance with subclause (I), and (III) the
17 Secretary shall approve payments described in sub-
18 clause (I) that are furnished through an agreed-
19 upon capitation, partial capitation, or other value-
20 based payment arrangement if the agreed-upon capi-
21 tation, partial capitation, or other value-based pay-
22 ment arrangement is based on a reasonable method-
23 ology and the entity provides documentation to the
24 State that is sufficient to enable the State and the
25 Secretary to ensure compliance with subclause (I).”.

1 (2) CONFORMING AMENDMENT.—Section
 2 1932(f) of the Social Security Act (42 U.S.C.
 3 1396u-2(f)) is amended by inserting “and clause
 4 (xiv) of section 1903(m)(2)(A)” before the period.

5 (3) EFFECTIVE DATE.—The amendments made
 6 by this subsection shall apply with respect to con-
 7 tracts entered into on or after the date of the enact-
 8 ment of this Act.

9 **SEC. 70112. TEMPORARY INCREASE IN MEDICAID DSH AL-**
 10 **LOTMENTS.**

11 (a) IN GENERAL.—Section 1923(f)(3) of the Social
 12 Security Act (42 U.S.C. 1396r-4(f)(3)) is amended—

13 (1) in subparagraph (A), by striking “and sub-
 14 paragraph (E)” and inserting “and subparagraphs
 15 (E) and (F)”; and

16 (2) by adding at the end the following new sub-
 17 paragraph:

18 “(F) TEMPORARY INCREASE IN ALLOT-
 19 MENTS DURING CERTAIN PUBLIC HEALTH
 20 EMERGENCY.—The DSH allotment for any
 21 State is—

22 “(i) for fiscal year 2020, equal to
 23 102.5 percent of the DSH allotment that
 24 would be determined under this paragraph
 25 for the State for fiscal year 2020 without

1 application of this subparagraph, notwith-
2 standing subparagraphs (B) and (C); and
3 “(ii) for a subsequent fiscal year (if
4 any) during which the emergency period
5 defined in paragraph (1)(B) of section
6 1135(g) of the Social Security Act is in ef-
7 fect, equal to 102.5 percent of the DSH al-
8 lotment determined under this subpara-
9 graph for the State for the previous fiscal
10 year.

11 For each fiscal year after fiscal year 2020 dur-
12 ing which the emergency period described in
13 clause (ii) is not in effect, the DSH allotment
14 for a State for such fiscal year is equal to the
15 DSH allotment that would have been deter-
16 mined under this paragraph for such fiscal year
17 if this subparagraph had not been enacted.”.

18 (b) SENSE OF CONGRESS.—It is the sense of Con-
19 gress that a State should prioritize making payments
20 under the State plan of the State under title XIX of the
21 Social Security Act (42 U.S.C. 1396 et seq.) (or a waiver
22 of such plan) to disproportionate share hospitals that have
23 a higher share of COVID–19 patients relative to other
24 such hospitals in the State.

1 **SEC. 70113. TEMPORARY ALLOWANCE FOR MEDICAL AS-**
2 **SISTANCE UNDER MEDICAID FOR INMATES**
3 **DURING 30-DAY PERIOD PRECEDING RE-**
4 **LEASE.**

5 The subdivision (A) following paragraph (30) of sec-
6 tion 1905(a) of the Social Security Act (42 U.S.C.
7 1396d(a)) is amended by inserting “and except during the
8 30-day period preceding the date of release of such indi-
9 vidual from such public institution, but only if such 30-
10 day period occurs during the emergency period described
11 in section 1135(g)(1)(B)” after “medical institution”.

12 **SEC. 70114. EXTENSION OF EXISTING SECTION 1115 DEM-**
13 **ONSTRATION PROJECTS.**

14 (a) **APPLICABILITY.**—This section shall apply with
15 respect to demonstration projects operated by States pur-
16 suant to section 1115(a) of the Social Security Act (42
17 U.S.C. 1315(a)) to promote the objectives of title XIX or
18 XXI of the Social Security Act with a project term set
19 to end on or before December 31, 2020.

20 (b) **APPROVAL OF EXTENSION.**—Upon request by a
21 State, the Secretary of Health and Human Services shall
22 approve an extension of the waiver and expenditure au-
23 thorities for a demonstration project described in sub-
24 section (a) for a period up to and including December 31,
25 2021, to ensure continuity of programs and funding dur-
26 ing the emergency period described in section

1 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 42
2 U.S.C. 1320b-5(g)(1)(B)).

3 (c) EXTENSION TERMS AND CONDITIONS.—(1) The
4 approval pursuant to this section shall extend the terms
5 and conditions that applied to the demonstration project
6 to the extension period. Financial terms and conditions
7 shall continue at levels equivalent to the prior demonstra-
8 tion or program year. All demonstration program compo-
9 nents shall be extended to operate through the end of
10 the extension term. In its request for an extension, the
11 state shall identify operational and programmatic changes
12 necessary to continue and stabilize programs into the ex-
13 tension period and shall work with the Secretary of Health
14 and Human Services to implement such changes.

15 (2) Notwithstanding the foregoing, the State
16 may request, and the Secretary of Health and
17 Human Services may approve, modifications to a
18 demonstration project's terms and conditions to ad-
19 dress the impact of the federally designated public
20 health emergency with respect to COVID-19. Such
21 modifications may, at the option of the State, be-
22 come effective retroactive to the start of the calendar
23 quarter in which the first day of the emergency pe-
24 riod described in paragraph (1)(B) of section

1 1135(g) of the Social Security Act 42 U.S.C. 42
2 U.S.C. 1320b–5(g)) occurs.

3 (d) BUDGET NEUTRALITY.—Budget neutrality for
4 extensions under this section shall be deemed to have been
5 met at the conclusion of the extension period, and States
6 receiving extensions under this section shall not be re-
7 quired to submit a budget neutrality analysis for the ex-
8 tension period.

9 (e) EXPEDITED APPLICATION PROCESS.—The Fed-
10 eral and State public notice and comment procedures or
11 other time constraints otherwise applicable to demonstra-
12 tion project amendments shall be waived to expedite a
13 State’s extension request pursuant to this section. The
14 Secretary of Health and Human Services shall approve the
15 extension application within 45 days of a State’s submis-
16 sion of its request, or such other timeframe as is mutually
17 agreed to with the State.

18 (f) CONTINUATION OF SECRETARIAL AUTHORITY
19 UNDER DECLARED EMERGENCY.—This section does not
20 restrict the Secretary of Health and Human Services from
21 exercising existing flexibilities through demonstration
22 projects operated pursuant to section 1115 of the Social
23 Security Act (42 U.S.C. 1315) in conjunction with the
24 COVID–19 public health emergency.

1 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion shall authorize the Secretary of Health and Human
3 Service to approve or extend a waiver that fails to meet
4 the requirements of section 1115 of the Social Security
5 Act (42 U.S.C. 1315).

6 **SEC. 70115. MODIFICATION OF REDUCTIONS IN MEDICAID**
7 **DSH ALLOTMENTS.**

8 Section 1923(f)(7)(A) of the Social Security Act (42
9 U.S.C. 1396r-4(f)(7)(A)) is amended—

10 (1) in clause (i), in the matter preceding sub-
11 clause (I), by striking “For the period beginning
12 May 23, 2020, and ending September 30, 2020, and
13 for each of fiscal years 2021 through 2025” and in-
14 sserting “For the period beginning December 1,
15 2020, and ending September 30, 2021, and for each
16 of fiscal years 2022 through 2025”; and

17 (2) in clause (ii)—

18 (A) in subclause (I), by striking “for the
19 period beginning May 23, 2020, and ending
20 September 30, 2020” and inserting “for the pe-
21 riod beginning December 1, 2020, and ending
22 September 30, 2021”; and

23 (B) in subclause (II), by striking “for each
24 of fiscal years 2021 through 2025” and insert-

1 ing “for each of fiscal years 2022 through
2 2025”.

3 **SEC. 70116. EXTENSION OF MONEY FOLLOWS THE PERSON**
4 **REBALANCING DEMONSTRATION.**

5 (a) **IN GENERAL.**—Section 6071(h)(1) of the Deficit
6 Reduction Act of 2005 (42 U.S.C. 1396a note) is amend-
7 ed—

8 (1) in subparagraph (F), by striking “and” at
9 the end; and

10 (2) by striking subparagraph (G) and inserting
11 the following:

12 “(G) \$450,000,000 for fiscal year 2020;
13 and

14 “(H) \$75,206,000 for the period beginning
15 on October 1, 2020, and ending on November
16 30, 2020.”.

17 (b) **EFFECTIVE DATE.**—The amendments made by
18 subsection (a) shall take effect as if included in the enact-
19 ment of the Further Consolidated Appropriations Act,
20 2020 (Public Law 116–94).

1 **SEC. 70117. EXTENSION OF PROTECTION FOR MEDICAID**
2 **RECIPIENTS OF HOME AND COMMUNITY-**
3 **BASED SERVICES AGAINST SPOUSAL IMPOV-**
4 **ERISHMENT.**

5 (a) IN GENERAL.—Section 2404 of Public Law 111–
6 148 (42 U.S.C. 1396r–5 note) is amended by striking
7 “May 22, 2020” and inserting “November 30, 2020”.

8 (b) RULE OF CONSTRUCTION.—Nothing in section
9 2404 of Public Law 111–148 (42 U.S.C. 1396r–5 note)
10 or section 1902(a)(17) or 1924 of the Social Security Act
11 (42 U.S.C. 1396a(a)(17), 1396r–5) shall be construed as
12 prohibiting a State from applying an income or resource
13 disregard under a methodology authorized under section
14 1902(r)(2) of such Act (42 U.S.C. 1396a(r)(2))—

15 (1) to the income or resources of an individual
16 described in section 1902(a)(10)(A)(ii)(VI) of such
17 Act (42 U.S.C. 1396a(a)(10)(A)(ii)(VI)) (including
18 a disregard of the income or resources of such indi-
19 vidual’s spouse); or

20 (2) on the basis of an individual’s need for
21 home and community-based services authorized
22 under subsection (c), (d), (i), or (k) of section 1915
23 of such Act (42 U.S.C. 1396n) or under section
24 1115 of such Act (42 U.S.C. 1315).

1 **SEC. 70118. EXTENSION OF THE COMMUNITY MENTAL**
2 **HEALTH SERVICES DEMONSTRATION PRO-**
3 **GRAM.**

4 Section 223(d)(3) of the Protecting Access to Medi-
5 care Act of 2014 (42 U.S.C. 1396a note) is amended by
6 striking “May 22, 2020” and inserting “November 30,
7 2020”.

8 **TITLE II—MEDICARE**

9 **SEC. 70201. COVERAGE OF THE COVID-19 VACCINE UNDER**
10 **THE MEDICARE PROGRAM WITHOUT ANY**
11 **COST-SHARING.**

12 (a) **MEDICAL AND OTHER HEALTH SERVICES.**—Sec-
13 tion 1861(s)(10)(A) of the Social Security Act (42 U.S.C.
14 1395x(s)(10)(A)) is amended by inserting “, and COVID-
15 19 vaccine and its administration” after “influenza vac-
16 cine and its administration”.

17 (b) **PART B DEDUCTIBLE.**—Section 1833(b) of the
18 Social Security Act (42 U.S.C. 1395l(b)) is amended, in
19 the first sentence—

20 (1) by striking “and” before “(11)”; and (B) by
21 inserting before the period at the end the following:
22 “, and (11)

23 (2) by inserting before the period at the end the
24 following: “, and (12) such deductible shall not
25 apply with respect a COVID-19 vaccine and its ad-
26 ministration described in section 1861(s)(10)(A)”.

1 (c) WAIVING COST-SHARING UNDER MEDICARE AD-
2 VANTAGE.—Section 1852(a)(1)(B) of the Social Security
3 Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended—

4 (1) in clause (iv)—

5 (A) by redesignating subclause (VI) as
6 subclause (VII); and

7 (B) by inserting after subclause (V) the
8 following new subclause:

9 “(VI) COVID-19 vaccines and
10 the administration of such vaccines,
11 as described in section
12 1861(s)(10)(A).”; and

13 (2) in clause (v), by striking “subclauses (IV)
14 and (V)” and inserting “subclauses (IV), (V), and
15 (VI)”.

16 (d) IMPLEMENTATION.—Notwithstanding any other
17 provision of law, the Secretary of Health and Human
18 Services may implement the amendments made by sub-
19 section (c) by program instruction or otherwise.

20 (e) PAYMENT FOR ADMINISTRATION OF COVID-19
21 VACCINE.—The payment amount under part B of title
22 XVIII of the Social Security Act for the administration
23 of a COVID-19 vaccine pursuant to the amendment made
24 by subsection (a) shall be the same as the payment
25 amount under such part for the administration of an influ-

1 enza vaccine, pneumococcal vaccine, and a hepatitis B vac-
2 cine.

3 (f) **AUTHORITY FOR ROSTER BILLING.**—Notwith-
4 standing any other provision of law, the Secretary of
5 Health and Human Services may, by program instruction
6 or otherwise, include a COVID-19 vaccine as a vaccine
7 with respect to which the Secretary permits roster billing
8 for purposes of payment under part B of title XVIII of
9 the Social Security Act.

10 (g) **EFFECTIVE DATE.**—The amendments made by
11 this section shall take effect on the date of enactment of
12 this Act and shall apply with respect to a COVID-19 vac-
13 cine beginning on the date that such vaccine is licensed
14 under section 351 of the Public Health Service Act (42
15 U.S.C. 262).

16 **SEC. 70202. HOLDING MEDICARE BENEFICIARIES HARM-**
17 **LESS FOR SPECIFIED COVID-19 TREATMENT**
18 **SERVICES FURNISHED UNDER PART A OR**
19 **PART B OF THE MEDICARE PROGRAM.**

20 (a) **IN GENERAL.**—Notwithstanding any other provi-
21 sion of law, in the case of a specified COVID-19 treatment
22 service (as defined in subsection (b)) furnished to an indi-
23 vidual entitled to benefits under part A or enrolled under
24 part B of title XVIII of the Social Security Act (42 U.S.C.
25 1395 et seq.) for which payment is made under such part

1 A or such part B, the Secretary of Health and Human
2 Services (in this section referred to as the “Secretary”)
3 shall provide that—

4 (1) any cost-sharing required (including any de-
5 ductible, copayment, or coinsurance) applicable to
6 such individual under such part A or such part B
7 with respect to such item or service is paid by the
8 Secretary; and

9 (2) the provider of services or supplier (as de-
10 fined in section 1861 of the Social Security Act (42
11 U.S.C. 1395x)) does not hold such individual liable
12 for such requirement.

13 (b) DEFINITION OF SPECIFIED COVID-19 TREAT-
14 MENT SERVICES.—For purposes of this section, the term
15 “specified COVID-19 treatment service” means any item
16 or service furnished to an individual for which payment
17 may be made under part A or part B of title XVIII of
18 the Social Security Act (42 U.S.C. 1395 et seq.) if such
19 item or service is included in a claim with an ICD-10-
20 CM code relating to COVID-19 (as described in the docu-
21 ment entitled “ICD-10-CM Official Coding Guidelines -
22 Supplement Coding encounters related to COVID-19
23 Coronavirus Outbreak” published on February 20, 2020,
24 or as otherwise specified by the Secretary).

1 (c) RECOVERY OF COST-SHARING AMOUNTS PAID BY
2 THE SECRETARY IN THE CASE OF SUPPLEMENTAL IN-
3 SURANCE COVERAGE.—

4 (1) IN GENERAL.—In the case of any amount
5 paid by the Secretary pursuant to subsection (a)(1)
6 that the Secretary determines would otherwise have
7 been paid by a group health plan or health insurance
8 issuer (as such terms are defined in section 2791 of
9 the Public Health Service Act (42 U.S.C. 300gg-
10 91)), a private entity offering a medicare supple-
11 mental policy under section 1882 of the Social Secu-
12 rity Act (42 U.S.C. 1395ss), any other health plan
13 offering supplemental coverage, a State plan under
14 title XIX of the Social Security Act, or the Secretary
15 of Defense under the TRICARE program, such
16 plan, issuer, private entity, other health plan, State
17 plan, or Secretary of Defense, as applicable, shall
18 pay to the Secretary, not later than 1 year after
19 such plan, issuer, private entity, other health plan,
20 State plan, or Secretary of Defense receives a notice
21 under paragraph (3), such amount in accordance
22 with this subsection.

23 (2) REQUIRED INFORMATION.—Not later than
24 9 months after the date of the enactment of this
25 Act, each group health plan, health insurance issuer,

1 private entity, other health plan, State plan, and
2 Secretary of Defense described in paragraph (1)
3 shall submit to the Secretary such information as
4 the Secretary determines necessary for purposes of
5 carrying out this subsection. Such information so
6 submitted shall be updated by such plan, issuer, pri-
7 vate entity, other health plan, State plan, or Sec-
8 retary of Defense, as applicable, at such time and in
9 such manner as specified by the Secretary.

10 (3) REVIEW OF CLAIMS AND NOTIFICATION.—

11 The Secretary shall establish a process under which
12 claims for items and services for which the Secretary
13 has paid an amount pursuant to subsection (a)(1)
14 are reviewed for purposes of identifying if such
15 amount would otherwise have been paid by a plan,
16 issuer, private entity, other health plan, State plan,
17 or Secretary of Defense described in paragraph (1).
18 In the case such a claim is so identified, the Sec-
19 retary shall determine the amount that would have
20 been otherwise payable by such plan, issuer, private
21 entity, other health plan, State plan, or Secretary of
22 Defense and notify such plan, issuer, private entity,
23 other health plan, State plan, or Secretary of De-
24 fense of such amount.

1 (4) ENFORCEMENT.—The Secretary may im-
2 pose a civil monetary penalty in an amount deter-
3 mined appropriate by the Secretary in the case of a
4 plan, issuer, private entity, other health plan, or
5 State plan that fails to comply with a provision of
6 this section. The provisions of section 1128A of the
7 Social Security Act shall apply to a civil monetary
8 penalty imposed under the previous sentence in the
9 same manner as such provisions apply to a penalty
10 or proceeding under subsection (a) or (b) of such
11 section.

12 (d) FUNDING.—The Secretary shall provide for the
13 transfer to the Centers for Medicare & Medicaid Program
14 Management Account from the Federal Hospital Insur-
15 ance Trust Fund and the Federal Supplementary Trust
16 Fund (in such portions as the Secretary determines appro-
17 priate) \$100,000,000 for purposes of carrying out this
18 section.

19 (e) REPORT.—Not later than 3 years after the date
20 of the enactment of this Act, the Inspector General of the
21 Department of Health and Human Services shall submit
22 to Congress a report containing an analysis of amounts
23 paid pursuant to subsection (a)(1) compared to amounts
24 paid to the Secretary pursuant to subsection (c).

1 (f) IMPLEMENTATION.—Notwithstanding any other
2 provision of law, the Secretary may implement the provi-
3 sions of this section by program instruction or otherwise.

4 **SEC. 70203. MEDICARE SEQUESTER DELAY.**

5 During the period beginning on May 1, 2020, and
6 ending on such date the emergency period described in
7 section 1135(g)(1)(B) of the Social Security Act (42
8 U.S.C. 1320b–5(g)(1)(B)) ends, the Medicare program
9 under title XVIII of the Social Security Act (42 U.S.C.
10 1395 et seq.) shall be exempt from reduction under any
11 sequestration order issued pursuant to section 254 of the
12 Balanced Budget and Emergency Deficit Control Act of
13 1985 before, on, or after the date of enactment of this
14 Act.

15 **SEC. 70204. ENHANCING MEDICARE TELEHEALTH SERV-**
16 **ICES FOR FEDERALLY QUALIFIED HEALTH**
17 **CENTERS AND RURAL HEALTH CLINICS DUR-**
18 **ING THE EMERGENCY PERIOD.**

19 Section 1834(m) of the Social Security Act (42
20 U.S.C. 1395m(m)) is amended—

21 (1) in the first sentence of paragraph (1), by
22 striking “The Secretary” and inserting “Subject to
23 paragraph (8), the Secretary”;

1 (2) in paragraph (2)(A), by striking “The Sec-
2 retary” and inserting “Subject to paragraph (8), the
3 Secretary”;

4 (3) in paragraph (4)—

5 (A) in subparagraph (A), by striking “The
6 term” and inserting “Subject to paragraph
7 (8),the term”; and

8 (B) in subparagraph (F)(i), by striking
9 “The term” and inserting “Subject to para-
10 graph (8), the term”; and

11 (4) by adding at the end the following new
12 paragraph:

13 “(8) ENHANCING TELEHEALTH SERVICES FOR
14 FEDERALLY QUALIFIED HEALTH CENTERS AND
15 RURAL HEALTH CLINICS DURING THE EMERGENCY
16 PERIOD.—

17 “(A) IN GENERAL.—During the emergency
18 period described in section 1135(g)(1)(B)—

19 “(i) the Secretary shall pay for tele-
20 health services that are furnished via a
21 telecommunications system by a Federally
22 qualified health center or a rural health
23 clinic to an eligible telehealth individual en-
24 rolled under this part notwithstanding that
25 the Federally qualified health center or

1 rural clinic providing the telehealth service
2 is not at the same location as the bene-
3 ficiary;

4 “(ii) the amount of payment to a Fed-
5 erally qualified health center or rural
6 health clinic that serves as a distant site
7 for such a telehealth service shall be deter-
8 mined under subparagraph (B); and

9 “(iii) for purposes of this subsection—

10 “(I) the term ‘distant site’ in-
11 cludes a Federally qualified health
12 center or rural health clinic that fur-
13 nishes a telehealth service to an eligi-
14 ble telehealth individual; and

15 “(II) the term ‘telehealth serv-
16 ices’ includes a rural health clinic
17 service or Federally qualified health
18 center service that is furnished using
19 telehealth to the extent that payment
20 codes corresponding to services identi-
21 fied by the Secretary under clause (i)
22 or (ii) of paragraph (4)(F) are listed
23 on the corresponding claim for such
24 rural health clinic service or Federally
25 qualified health center service.

1 “(B) SPECIAL PAYMENT RULE.—The Sec-
2 retary shall develop and implement payment
3 methods that apply under this subsection to a
4 Federally qualified health center or rural health
5 clinic that serves as a distant site that furnishes
6 a telehealth service to an eligible telehealth indi-
7 vidual during such emergency period. Such pay-
8 ment methods shall be based on payment rates
9 that are similar to the national average pay-
10 ment rates for comparable telehealth services
11 under the physician fee schedule under section
12 1848. Notwithstanding any other provision of
13 law, the Secretary may implement such pay-
14 ment methods through program instruction or
15 otherwise.”.

16 **SEC. 70205. GUARANTEED ISSUE OF CERTAIN MEDIGAP**
17 **POLICIES.**

18 (a) GUARANTEED ISSUE OF MEDIGAP POLICIES TO
19 ALL MEDIGAP-ELIGIBLE MEDICARE BENEFICIARIES.—

20 (1) IN GENERAL.—Section 1882(s) of the So-
21 cial Security Act (42 U.S.C. 1395ss(s)) is amend-
22 ed—

23 (A) in paragraph (2)(A), by striking “65
24 years of age or older and is enrolled for benefits
25 under part B” and inserting “entitled to, or en-

1 rolled for, benefits under part A and enrolled
2 for benefits under part B”;

3 (B) in paragraph (2)(D), by striking “who
4 is 65 years of age or older as of the date of
5 issuance and”;

6 (C) in paragraph (3)(B)(ii), by striking “is
7 65 years of age or older and”;

8 (D) in paragraph (3)(B)(vi), by striking
9 “at age 65”.

10 (2) ADDITIONAL ENROLLMENT PERIOD FOR
11 CERTAIN INDIVIDUALS.—

12 (A) ONE-TIME ENROLLMENT PERIOD.—

13 (i) IN GENERAL.—In the case of a
14 specified individual, the Secretary shall es-
15 tablish a one-time enrollment period de-
16 scribed in clause (iii) during which such an
17 individual may enroll in any medicare sup-
18 plemental policy of the individual’s choos-
19 ing.

20 (ii) APPLICATION.—The provisions
21 of—

22 (I) paragraph (2) of section
23 1882(s) of the Social Security Act (42
24 U.S.C. 1395ss(s)) shall apply with re-
25 spect to a specified individual who is

1 described in subclause (I) of subpara-
2 graph (B)(iii) as if references in such
3 paragraph (2) to the 6 month period
4 described in subparagraph (A) of such
5 paragraph were references to the one-
6 time enrollment period established
7 under clause (i); and

8 (II) paragraph (3) of such sec-
9 tion shall apply with respect to a spec-
10 ified individual who is described in
11 subclause (II) of subparagraph
12 (B)(iii) as if references in such para-
13 graph (3) to the period specified in
14 subparagraph (E) of such paragraph
15 were references to the one-time enroll-
16 ment period established under clause
17 (i).

18 (iii) PERIOD.—The enrollment period
19 established under clause (i) shall be the 6-
20 month period beginning on January 1,
21 2024.

22 (B) SPECIFIED INDIVIDUAL.—For pur-
23 poses of this paragraph, the term “specified in-
24 dividual” means an individual who—

1 (i) is entitled to hospital insurance
2 benefits under part A of title XVIII of the
3 Social Security Act (42 U.S.C. 1395c et
4 seq.) pursuant to section 226(b) or section
5 226A of such Act (42 U.S.C. 426(b); 426–
6 1);

7 (ii) is enrolled for benefits under part
8 B of such Act (42 U.S.C. 1395j et seq.);
9 and

10 (iii)(I) would not, but for the amend-
11 ments made by subparagraphs (A) and (B)
12 of paragraph (1) and the provisions of this
13 paragraph (if such provisions applied to
14 such individual), be eligible for the guaran-
15 teed issue of a medicare supplemental pol-
16 icy under paragraph (2) of section 1882(s)
17 of such Act (42 U.S.C. 1395ss(s)); or

18 (II) would not, but for the amend-
19 ments made by subparagraphs (C) and (D)
20 of paragraph (1) and the provisions of this
21 paragraph (if such provisions applied to
22 such individual), be eligible for the guaran-
23 teed issue of a medicare supplemental pol-
24 icy under paragraph (3) of such section.

25 (C) OUTREACH PLAN.—

1 (i) IN GENERAL.—The Secretary shall
2 develop an outreach plan to notify specified
3 individuals of the one-time enrollment pe-
4 riod established under subparagraph (A).

5 (ii) CONSULTATION.—In imple-
6 menting the outreach plan developed under
7 clause (i), the Secretary shall consult with
8 consumer advocates, brokers, insurers, the
9 National Association of Insurance Commis-
10 sioners, and State Health Insurance As-
11 sistance Programs.

12 (3) EFFECTIVE DATE.—The amendments made
13 by paragraph (1) shall apply to medicare supple-
14 mental policies effective on or after January 1,
15 2024.

16 (b) GUARANTEED ISSUE OF MEDIGAP POLICIES FOR
17 MEDICARE ADVANTAGE ENROLLEES.—

18 (1) IN GENERAL.—Section 1882(s)(3) of the
19 Social Security Act (42 U.S.C. 1395ss(s)(3)), as
20 amended by subsection (a), is further amended—

21 (A) in subparagraph (B), by adding at the
22 end the following new clause:

23 “(vii) The individual—

24 “(I) was enrolled in a Medicare Advantage
25 plan under part C for not less than 12 months;

1 “(II) subsequently disenrolled from such
2 plan;

3 “(III) elects to receive benefits under this
4 title through the original Medicare fee-for-serv-
5 ice program under parts A and B; and

6 “(IV) has not previously elected to receive
7 benefits under this title through the original
8 Medicare fee-for-service program pursuant to
9 disenrollment from a Medicare Advantage plan
10 under part C.”;

11 (B) by striking subparagraph (C)(iii) and
12 inserting the following:

13 “(iii) Subject to subsection (v)(1), for purposes of an
14 individual described in clause (vi) or (vii) of subparagraph
15 (B), a medicare supplemental policy described in this sub-
16 paragraph shall include any medicare supplemental pol-
17 icy.”; and

18 (C) in subparagraph (E)—

19 (i) in clause (iv), by striking “and” at
20 the end;

21 (ii) in clause (v), by striking the pe-
22 riod at the end and inserting “; and”; and

23 (iii) by adding at the end the fol-
24 lowing new clause—

1 “(vi) in the case of an individual described in
2 subparagraph (B)(vii), the annual, coordinated elec-
3 tion period (as defined in section 1851(e)(3)(B)) or
4 a continuous open enrollment period (as defined in
5 section 1851(e)(2)) during which the individual
6 disenrolls from a Medicare Advantage plan under
7 part C.”.

8 (2) EFFECTIVE DATE.—The amendments made
9 by paragraph (1) shall apply to medicare supple-
10 mental policies effective on or after January 1,
11 2024.

12 **SEC. 70206. ENSURING COMMUNICATIONS ACCESSIBILITY**
13 **FOR RESIDENTS OF SKILLED NURSING FA-**
14 **CILITIES DURING THE COVID-19 EMERGENCY**
15 **PERIOD.**

16 (a) IN GENERAL.—Section 1819(c)(3) of the Social
17 Security Act (42 U.S.C. 1395i–3(c)(3)) is amended—

18 (1) in subparagraph (D), by striking “and” at
19 the end;

20 (2) in subparagraph (E), by striking the period
21 and inserting “; and”; and

22 (3) by adding at the end the following new sub-
23 paragraph:

24 “(F) provide for reasonable access to the
25 use of a telephone, including TTY and TDD

1 services (as defined for purposes of section
2 483.10 of title 42, Code of Federal Regulations
3 (or a successor regulation)), and the internet
4 (to the extent available to the facility) and in-
5 form each such resident (or a representative of
6 such resident) of such access and any changes
7 in policies or procedures of such facility relating
8 to limitations on external visitors.”.

9 (b) COVID-19 PROVISIONS.—

10 (1) GUIDANCE.—Not later than 15 days after
11 the date of the enactment of this Act, the Secretary
12 of Health and Human Service shall issue guidance
13 on steps skilled nursing facilities may take to ensure
14 residents have access to televisitation during the
15 emergency period defined in section 1135(g)(1)(B)
16 of the Social Security Act (42 U.S.C. 1320b-
17 5(g)(1)(B)).

18 (2) REVIEW OF FACILITIES.—The Secretary of
19 Health and Human Services shall take such steps as
20 determined appropriate by the Secretary to ensure
21 that residents of skilled nursing facilities and rel-
22 atives of such residents are made aware of the ac-
23 cess rights described in section 1819(c)(3)(F) of the
24 Social Security Act (42 U.S.C. 1395i-3(c)(3)(F)).

1 **SEC. 70207. MEDICARE HOSPITAL INPATIENT PROSPECTIVE**
2 **PAYMENT SYSTEM OUTLIER PAYMENTS FOR**
3 **COVID-19 PATIENTS DURING CERTAIN EMER-**
4 **GENCY PERIOD.**

5 (a) IN GENERAL.—Section 1886(d)(5)(A) of the So-
6 cial Security Act (42 U.S.C. 1395ww(d)(5)(A)) is amend-
7 ed—

8 (1) in clause (ii), by striking “For cases” and
9 inserting “Subject to clause (vii), for cases”;

10 (2) in clause (iii), by striking “The amount”
11 and inserting “Subject to clause (vii), the amount”;

12 (3) in clause (iv), by striking “The total
13 amount” and inserting “Subject to clause (vii), the
14 total amount”; and

15 (4) by adding at the end the following new
16 clause:

17 “(vii) For discharges that have a primary or sec-
18 ondary diagnosis of COVID-19 and that occur during the
19 emergency period described in section 1135(g)(1)(B), the
20 amount of any additional payment under clause (ii) for
21 a subsection (d) hospital for such a discharge shall be de-
22 termined as if—

23 “(I) clause (ii) was amended by striking ‘plus
24 a fixed dollar amount determined by the Secretary’;

25 “(II) the reference in clause (iii) to ‘approxi-
26 mate the marginal cost of care beyond the cutoff

1 point applicable under clause (i) or (ii)' were a ref-
2 erence to 'approximate the marginal cost of care be-
3 yond the cutoff point applicable under clause (i), or,
4 in the case of an additional payment requested
5 under clause (ii), be equal to 100 percent of the
6 amount by which the costs of the discharge for
7 which such additional payment is so requested ex-
8 ceed the applicable DRG prospective payment rate';
9 and

10 "(III) clause (iv) does not apply."

11 (b) EXCLUSION FROM REDUCTION IN AVERAGE
12 STANDARDIZED AMOUNTS PAYABLE TO HOSPITALS LO-
13 CATED IN CERTAIN AREAS.—Section 1886(d)(3)(B) of
14 the Social Security Act (42 U.S.C. 1395ww(d)(3)(B)) is
15 amended by inserting before the period the following: "
16 other than additional payments described in clause (vii)
17 of such paragraph".

18 (c) APPLICATION TO SITE NEUTRAL IPPS PAYMENT
19 RATES.—Section 1886(m)(6)(B) of the Social Security
20 Act (42 U.S.C. 1395ww(m)(6)(B)) is amended—

21 (1) in clause (i)—

22 (A) in the matter preceding subclause (I),
23 by striking "In this paragraph" and inserting
24 "Subject to clause (ii), in this paragraph";

1 (B) in subclause (I), by striking “clause
2 (iii)” and inserting “clause (iv)”; and

3 (C) in subclause (II), by striking “clause
4 (ii)” and inserting “clause (iii)”;
5

(2) in clause (ii), in the matter preceding sub-
6 clause (I), by striking “clause (iv)” and inserting
7 “clause (v)”;
8

(3) in clause (iii)(I), by striking “clause (ii)”
9 and inserting “clause (iii)”;
10

(4) in clause (iv), by striking “clause (ii)(I)”
11 and inserting “clause (iii)(I)”;
12

(5) by redesignating clauses (ii) through (iv) as
13 clauses (iii) through (v), respectively; and
14

(6) by inserting after clause (i) the following
15 new clause:

16 “(ii) EXCEPTION.—Notwithstanding
17 clause (i), the term ‘applicable site neutral
18 payment rate’ means—

19 “(I) for discharges that have a
20 primary or secondary diagnosis of
21 COVID-19 and that occur during any
22 portion of the emergency period de-
23 scribed in section 1135(g)(1)(B) oc-
24 ccurring during a cost reporting period
25 described in clause (i)(I), the greater

1 of the blended payment rate specified
2 in clause (iv) or the percent described
3 in clause (iii)(II); and

4 “(II) for discharges that have a
5 primary or secondary diagnosis of
6 COVID-19 and that occur during any
7 portion of the emergency period de-
8 scribed in section 1135(g)(1)(B) oc-
9 ccurring during a cost reporting period
10 described in clause (i)(II), the percent
11 described in clause (iii)(II).”.

12 (d) IMPLEMENTATION.—Notwithstanding any other
13 provision of law, the Secretary of Health and Human
14 Services may implement the amendments made by this
15 section by program instruction or otherwise.

16 **SEC. 70208. COVERAGE OF TREATMENTS FOR COVID-19 AT**
17 **NO COST SHARING UNDER THE MEDICARE**
18 **ADVANTAGE PROGRAM.**

19 (a) IN GENERAL.—Section 1852(a)(1)(B) of the So-
20 cial Security Act (42 U.S.C. 1395w-22(a)(1)(B)) is
21 amended by adding at the end the following new clause:

22 “(vii) SPECIAL COVERAGE RULES FOR
23 SPECIFIED COVID-19 TREATMENT SERV-
24 ICES.—Notwithstanding clause (i), in the
25 case of a specified COVID-19 treatment

1 service (as defined in section 70202(b) of
2 the Take Responsibility for Workers and
3 Families Act) that is furnished during a
4 plan year occurring during any portion of
5 the emergency period defined in section
6 1135(g)(1)(B) beginning on or after the
7 date of the enactment of this clause, a
8 Medicare Advantage plan may not, with re-
9 spect to such service, impose—

10 “(I) any cost-sharing require-
11 ment (including a deductible, copay-
12 ment, or coinsurance requirement);
13 and

14 “(II) in the case such service is a
15 critical specified COVID-19 treatment
16 service (including ventilator services
17 and intensive care unit services), any
18 prior authorization or other utilization
19 management requirement.

20 A Medicare Advantage plan may not take
21 the application of this clause into account
22 for purposes of a bid amount submitted by
23 such plan under section 1854(a)(6).”.

24 (b) REIMBURSEMENT OF MEDICARE ADVANTAGE
25 PLANS FOR ELIMINATION OF COST SHARING.—Section

1 1853 of the Social Security Act (42 U.S.C. 1395w-23)
2 is amended by adding at the end the following new sub-
3 section:

4 “(p) ADDITIONAL PAYMENT TO ACCOUNT FOR COST
5 SHARING ELIMINATION FOR COVID-19 TREATMENT
6 SERVICES.—

7 “(1) IN GENERAL.—A Medicare Advantage plan
8 shall notify the Secretary of the total dollar amount
9 of cost sharing that, but for the application of sec-
10 tion 1852(a)(1)(B)(vii), would have been required
11 under such plan for specified COVID-19 treatment
12 services (as defined in section 70202(b) of the Take
13 Responsibility for Workers and Families Act) fur-
14 nished during a plan year described in such section
15 to individuals enrolled in the plan. The Secretary
16 shall make periodic and timely payments in accord-
17 ance with this subsection to such plan that, in the
18 aggregate, equal such total dollar amount.

19 “(2) TIMING OF PAYMENT.—Payments by the
20 Secretary under this subsection shall be made begin-
21 ning March 1, 2021, for amounts described in such
22 paragraph that would have been required under such
23 plan for specified COVID-19 treatment services fur-
24 nished during plan year 2020. Payments by the Sec-
25 retary under this subsection for such amounts that

1 would have been so required under such plan for
2 such services furnished during a plan year subse-
3 quent to plan year 2020 shall be made beginning
4 March 1 of the plan year following such subsequent
5 plan year.

6 “(3) NON-APPLICATION.—Section 1853(c)(7)
7 shall not apply with respect to the application of this
8 subsection.

9 “(4) APPROPRIATION.—There are transferred
10 to the Centers for Medicare & Medicaid Program
11 Management Fund, out of any monies in the Treas-
12 ury not otherwise obligated, such sums as may be
13 necessary to the Secretary for purposes of making
14 payments under this subsection.”.

15 (c) IMPLEMENTATION.—Notwithstanding any other
16 provision of law, the Secretary of Health and Human
17 Services may implement the amendments made by this
18 section by program instruction or otherwise.

19 **SEC. 70209. ESTABLISHING A RISK CORRIDOR PROGRAM**
20 **FOR MEDICARE ADVANTAGE PLANS DURING**
21 **THE COVID-19 EMERGENCY.**

22 (a) IN GENERAL.—Section 1853 of the Social Secu-
23 rity Act (42 U.S.C. 1395w–23), as amended by section
24 70208(b), is further amended by adding at the end the
25 following new subsection:

1 “(q) RISK CORRIDOR PROGRAM DURING THE
2 COVID-19 EMERGENCY.—

3 “(1) IN GENERAL.—The Secretary shall estab-
4 lish and administer a program of risk corridors for
5 each plan year, any portion of which occurs during
6 the emergency period defined in section
7 1135(g)(1)(B), under which the Secretary shall
8 make payments to MA organizations offering a
9 Medicare Advantage plan based on the ratio of the
10 allowable costs of the plan to the aggregate pre-
11 miums of the plan.

12 “(2) PAYMENT METHODOLOGY.—The Secretary
13 shall provide under the program established under
14 paragraph (1) that if the allowable costs for a Medi-
15 care Advantage plan for any plan year are more
16 than 105 percent of the target amount, the Sec-
17 retary shall pay to the plan an amount equal to 75
18 percent of the allowable costs in excess of 105 per-
19 cent of the target amount.

20 “(3) TIMING.—

21 “(A) SUBMISSION OF INFORMATION BY
22 PLANS.—With respect to a plan year for which
23 the program described in paragraph (1) is es-
24 tablished and administered, not later than July
25 1 of the succeeding plan year each MA organi-

1 zation offering a Medicare Advantage plan shall
2 submit to the Secretary such information as the
3 Secretary may require for purposes of carrying
4 out such program.

5 “(B) PAYMENT.—The Secretary shall pay
6 to an MA organization offering a Medicare Ad-
7 vantage plan eligible to receive a payment under
8 the program with respect to a plan year the
9 amount provided under paragraph (2) for such
10 plan year not later than 60 days after such or-
11 ganization submits information with respect to
12 such plan and plan year under subparagraph
13 (A).

14 “(4) DEFINITIONS.—

15 “(A) ALLOWABLE COSTS.—

16 “(i) IN GENERAL.—The amount of al-
17 lowable costs of a MA organization offering
18 a Medicare Advantage plan for a plan year
19 is an amount equal to the total costs
20 (other than administrative costs) of such
21 plan in providing benefits covered by such
22 plan, but only to the extent that such costs
23 are incurred with respect to such benefits
24 for items and services that are benefits

1 under the original medicare fee-for-service
2 program option.

3 “(ii) REDUCTIONS.—Allowable costs
4 for a Medicare Advantage plan for a plan
5 year shall be reduced by any payment
6 made under subsection (p) with respect to
7 such plan and such plan year.

8 “(B) TARGET AMOUNT.—The target
9 amount described in this paragraph is, with re-
10 spect to a Medicare Advantage plan and a plan
11 year, the total amount of payments paid to the
12 MA organization for the plan for benefits under
13 the original medicare fee-for-service program
14 option for the plan year, taking into account
15 amounts paid by the Secretary and enrollees,
16 based upon the bid amount submitted under
17 section 1854, reduced by the total amount of
18 administrative expenses for the year assumed in
19 such bid.

20 “(5) FUNDING.—There are appropriated to the
21 Centers for Medicare & Medicaid Services Program
22 Management Account, out of any monies in the
23 Treasury not otherwise obligated, such sums as may
24 be necessary for purposes of carrying out this sub-
25 section.”.

1 (b) IMPLEMENTATION.—Notwithstanding any other
2 provision of law, the Secretary of Health and Human
3 Service may implement the amendments made by this sec-
4 tion by program instruction or otherwise.

5 **SEC. 70210. REQUIRING COVERAGE UNDER MEDICARE**
6 **PDPS AND MA-PD PLANS, WITHOUT THE IM-**
7 **POSITION OF COST SHARING OR UTILIZA-**
8 **TION MANAGEMENT REQUIREMENTS, OF**
9 **DRUGS INTENDED TO TREAT COVID-19 DUR-**
10 **ING CERTAIN EMERGENCIES.**

11 (a) COVERAGE REQUIREMENT.—

12 (1) IN GENERAL.—Section 1860D–4(b)(3) of
13 the Social Security Act (42 U.S.C. 1395w–
14 104(b)(3)) is amended by adding at the end the fol-
15 lowing new subparagraph:

16 “(I) REQUIRED INCLUSION OF DRUGS IN-
17 TENDED TO TREAT COVID-19.—

18 “(i) IN GENERAL.—Notwithstanding
19 any other provision of law, a PDP sponsor
20 offering a prescription drug plan shall,
21 with respect to a plan year, any portion of
22 which occurs during the period described
23 in clause (ii), be required to—

24 “(I) include in any formulary—

1 “(aa) all covered part D
2 drugs with a medically accepted
3 indication (as defined in section
4 1860D–2(e)(4)) to treat COVID-
5 19 that are marketed in the
6 United States; and

7 “(bb) all drugs authorized
8 under section 564 or 564A of the
9 Federal Food Drug and Cosmetic
10 Act to treat COVID-19; and

11 “(II) not impose any prior au-
12 thorization or other utilization man-
13 agement requirement with respect to
14 such drugs described in item (aa) or
15 (bb) of subclause (I) (other than such
16 a requirement that limits the quantity
17 of drugs due to safety).

18 “(ii) PERIOD DESCRIBED.—For pur-
19 poses of clause (i), the period described in
20 this clause is the period during which there
21 exists the public health emergency declared
22 by the Secretary pursuant to section 319
23 of the Public Health Service Act on Janu-
24 ary 31, 2020, entitled ‘Determination that
25 a Public Health Emergency Exists Nation-

1 wide as the Result of the 2019 Novel
2 Coronavirus’ (including any renewal of
3 such declaration pursuant to such sec-
4 tion).”.

5 (b) ELIMINATION OF COST SHARING.—

6 (1) ELIMINATION OF COST-SHARING FOR
7 DRUGS INTENDED TO TREAT COVID-19 UNDER
8 STANDARD AND ALTERNATIVE PRESCRIPTION DRUG
9 COVERAGE.—Section 1860D–2 of the Social Security
10 Act (42 U.S.C. 1395w–102) is amended—

11 (A) in subsection (b)—

12 (i) in paragraph (1)(A), by striking
13 “The coverage” and inserting “Subject to
14 paragraph (8), the coverage”;

15 (ii) in paragraph (2)—

16 (I) in subparagraph (A), by in-
17 serting after “Subject to subpara-
18 graphs (C) and (D)” the following:
19 “and paragraph (8)”;

20 (II) in subparagraph (C)(i), by
21 striking “paragraph (4)” and insert-
22 ing “paragraphs (4) and (8)”;

23 (III) in subparagraph (D)(i), by
24 striking “paragraph (4)” and insert-
25 ing “paragraphs (4) and (8)”;

1 (iii) in paragraph (4)(A)(i), by strik-
2 ing “The coverage” and inserting “Subject
3 to paragraph (8), the coverage”; and

4 (iv) by adding at the end the following
5 new paragraph:

6 “(8) ELIMINATION OF COST-SHARING FOR
7 DRUGS INTENDED TO TREAT COVID-19.—The cov-
8 erage does not impose any deductible, copayment,
9 coinsurance, or other cost-sharing requirement for
10 drugs described in section 1860D–4(b)(3)(I)(i)(I)
11 with respect to a plan year, any portion of which oc-
12 curs during the period during which there exists the
13 public health emergency declared by the Secretary
14 pursuant to section 319 of the Public Health Service
15 Act on January 31, 2020, entitled ‘Determination
16 that a Public Health Emergency Exists Nationwide
17 as the Result of the 2019 Novel Coronavirus’ (in-
18 cluding any renewal of such declaration pursuant to
19 such section).”; and

20 (B) in subsection (e), by adding at the end
21 the following new paragraph:

22 “(4) SAME ELIMINATION OF COST-SHARING FOR
23 DRUGS INTENDED TO TREAT COVID-19.—The cov-
24 erage is in accordance with subsection (b)(8).”.

1 (2) ELIMINATION OF COST-SHARING FOR
2 DRUGS INTENDED TO TREAT COVID-19 DISPENSED
3 TO INDIVIDUALS WHO ARE SUBSIDY ELIGIBLE INDI-
4 VIDUALS.—Section 1860D–14(a) of the Social Secu-
5 rity Act (42 U.S.C. 1395w–114(a)) is amended—

6 (A) in paragraph (1)—

7 (i) in subparagraph (D)—

8 (I) in clause (ii), by striking “In
9 the case of” and inserting “Subject to
10 subparagraph (F), in the case of”;
11 and

12 (II) in clause (iii), by striking
13 “In the case of” and inserting “Sub-
14 ject to subparagraph (F), in the case
15 of”; and

16 (ii) by adding at the end the following
17 new subparagraph:

18 “(F) ELIMINATION OF COST-SHARING FOR
19 DRUGS INTENDED TO TREAT COVID-19.—Cov-
20 erage that is in accordance with section
21 1860D–2(b)(8).”; and

22 (B) in paragraph (2)—

23 (i) in subparagraph (B), by striking
24 “A reduction” and inserting “Subject to
25 subparagraph (F), a reduction”;

1 (ii) in subparagraph (D), by striking
2 “The substitution” and inserting “Subject
3 to subparagraph (F), the substitution”;

4 (iii) in subparagraph (E), by inserting
5 after “Subject to” the following: “subpara-
6 graph (F) and”; and

7 (iv) by adding at the end the following
8 new subparagraph:

9 “(F) ELIMINATION OF COST-SHARING FOR
10 DRUGS INTENDED TO TREAT COVID-19.—Cov-
11 erage that is in accordance with section
12 1860D–2(b)(8).”.

13 (c) IMPLEMENTATION.—Notwithstanding any other
14 provision of law, the Secretary of Health and Human
15 Services may implement the amendments made by this
16 section by program instruction or otherwise.

17 **SEC. 70211. REQUIRING MEDICARE PDPS AND MA-PD**
18 **PLANS TO ALLOW DURING THE COVID-19**
19 **EMERGENCY PERIOD FOR FILLS AND RE-**
20 **FILLS OF COVERED PART D DRUGS FOR UP**
21 **TO A 3-MONTH SUPPLY.**

22 (a) IN GENERAL.—Section 1860D–4(b) of the Social
23 Security Act (42 U.S.C. 1395w–104(b)) is amended by
24 adding at the end the following new paragraph:

1 “(4) ENSURING ACCESS DURING COVID-19 PUB-
2 LIC HEALTH EMERGENCY PERIOD.—

3 “(A) IN GENERAL.—During the emergency
4 period described in section 1135(g)(1)(B), sub-
5 ject to subparagraph (B), a prescription drug
6 plan or MA–PD plan shall, notwithstanding any
7 cost and utilization management, medication
8 therapy management, or other such programs
9 under this part, permit a part D eligible indi-
10 vidual enrolled in such plan to obtain in a sin-
11 gle fill or refill, at the option of such individual,
12 the total day supply (not to exceed a 90-day
13 supply) prescribed for such individual for a cov-
14 ered part D drug.

15 “(B) SAFETY EDIT EXCEPTION.—A pre-
16 scription drug plan or MA–PD plan may not
17 permit a part D eligible individual to obtain a
18 single fill or refill inconsistent with an applica-
19 ble safety edit.”.

20 (b) IMPLEMENTATION.—Notwithstanding any other
21 provision of law, the Secretary of Health and Human
22 Services may implement the amendment made by this sec-
23 tion by program instruction or otherwise.

1 **SEC. 70212. EXTENSION OF THE WORK GEOGRAPHIC INDEX**
2 **FLOOR UNDER THE MEDICARE PROGRAM.**

3 Section 1848(e)(1)(E) of the Social Security Act (42
4 U.S.C. 1395w-4(e)(1)(E)) is amended by striking “May
5 23, 2020” and inserting “December 1, 2020”.

6 **SEC. 70213. EXTENSION OF FUNDING FOR QUALITY MEAS-**
7 **URE ENDORSEMENT, INPUT, AND SELECTION.**

8 (a) IN GENERAL.—Section 1890(d)(2) of the Social
9 Security Act (42 U.S.C. 1395aaa(d)(2)) is amended—

10 (1) in the first sentence, by striking “and
11 \$4,830,000 for the period beginning on October 1,
12 2019, and ending on May 22, 2020” and inserting
13 “\$25,170,000 for fiscal year 2020, and \$5,013,699
14 for the period beginning on October 1, 2020, and
15 ending on November 30, 2020”; and

16 (2) in the third sentence, by striking “for each
17 of fiscal years 2018 and 2019 and for the period be-
18 ginning on October 1, 2019, and ending on May 22,
19 2020” and inserting “for each of fiscal years 2018
20 through 2020 and for the period beginning on Octo-
21 ber 1, 2020, and ending on November 30, 2020”.

22 (b) EFFECTIVE DATE.—The amendments made by
23 subsection (a) shall take effect as if included in the enact-
24 ment of the Further Consolidated Appropriations Act,
25 2020 (Public Law 116-94).

1 **SEC. 70214. EXTENSION OF FUNDING OUTREACH AND AS-**
2 **SISTANCE FOR LOW-INCOME PROGRAMS.**

3 (a) **ADDITIONAL FUNDING FOR STATE HEALTH IN-**
4 **SURANCE PROGRAMS.**—Subsection (a)(1)(B) of section
5 119 of the Medicare Improvements for Patients and Pro-
6 viders Act of 2008 (42 U.S.C. 1395b–3 note) is amend-
7 ed—

8 (1) in clause (xi), by striking “and” at the end;

9 (2) in clause (xii), by striking the period at the
10 end and inserting a semicolon; and

11 (3) by inserting after clause (xii) the following
12 new clauses:

13 “(xiii) for the period beginning on
14 May 23, 2020, and ending on September
15 30, 2020, of \$5,383,562; and

16 “(xiv) for the period beginning on Oc-
17 tober 1, 2020, and ending on November
18 30, 2020, of \$2,506,849.”.

19 (b) **ADDITIONAL FUNDING FOR AREA AGENCIES ON**
20 **AGING.**—Subsection (b)(1)(B) of such section 119, as so
21 amended, is amended—

22 (1) in clause (xi), by striking “and” at the end;

23 (2) in clause (xii), by striking the period at the
24 end and inserting a semicolon; and

25 (3) by inserting after clause (xii) the following
26 new clauses:

1 “(xiii) for the period beginning on
2 May 23, 2020, and ending on September
3 30, 2020, of \$5,383,562; and

4 “(xiv) for the period beginning on Oc-
5 tober 1, 2020, and ending on November
6 30, 2020, of \$2,506,849.”.

7 (c) ADDITIONAL FUNDING FOR AGING AND DIS-
8 ABILITY RESOURCE CENTERS.—Subsection (c)(1)(B) of
9 such section 119, as so amended, is amended—

10 (1) in clause (xi), by striking “and” at the end;

11 (2) in clause (xii), by striking the period at the
12 end and inserting a semicolon; and

13 (3) by inserting after clause (xii) the following
14 new clauses:

15 “(xiii) for the period beginning on
16 May 23, 2020, and ending on September
17 30, 2020, of \$1,794,521; and

18 “(xiv) for the period beginning on Oc-
19 tober 1, 2020, and ending on November
20 30, 2020, of \$835,616.”.

21 (d) ADDITIONAL FUNDING FOR CONTRACT WITH
22 THE NATIONAL CENTER FOR BENEFITS AND OUTREACH
23 ENROLLMENT.—Subsection (d)(2) of such section 119, as
24 so amended, is amended—

25 (1) in clause (xi), by striking “and” at the end;

1 (2) in clause (xii), by striking the period at the
2 end and inserting a semicolon; and

3 (3) by inserting after clause (xii) the following
4 new clauses:

5 “(xiii) for the period beginning on
6 May 23, 2020, and ending on September
7 30, 2020, of \$5,383,562; and

8 “(xiv) for the period beginning on Oc-
9 tober 1, 2020, and ending on November
10 30, 2020, of \$2,506,849.”.

11 **TITLE III—PRIVATE INSURANCE**

12 **SEC. 70301. SPECIAL ENROLLMENT PERIOD THROUGH EX-** 13 **CHANGES; FEDERAL EXCHANGE OUTREACH** 14 **AND EDUCATIONAL ACTIVITIES.**

15 (a) SPECIAL ENROLLMENT PERIOD THROUGH EX-
16 CHANGES.—Section 1311(c) of the Patient Protection and
17 Affordable Care Act (42 U.S.C. 18031(c)) is amended—

18 (1) in paragraph (6)—

19 (A) in subparagraph (C), by striking at the
20 end “and”;

21 (B) in subparagraph (D), by striking at
22 the end the period and inserting “; and”; and

23 (C) by adding at the end the following new
24 subparagraph:

1 “(E) subject to subparagraph (B) of para-
2 graph (8), the special enrollment period de-
3 scribed in subparagraph (A) of such para-
4 graph.”; and

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

7 “(8) SPECIAL ENROLLMENT PERIOD FOR CER-
8 TAIN PUBLIC HEALTH EMERGENCY.—

9 “(A) IN GENERAL.—The Secretary shall,
10 subject to subparagraph (B), require an Ex-
11 change to provide—

12 “(i) for a special enrollment period
13 during the emergency period described in
14 section 1135(g)(1)(B) of the Social Secu-
15 rity Act—

16 “(I) which shall begin on the
17 date that is one week after the date of
18 the enactment of this paragraph and
19 which, in the case of an Exchange es-
20 tablished or operated by the Secretary
21 within a State pursuant to section
22 1321(e), shall be an 8-week period;
23 and

24 “(II) during which any individual
25 who is otherwise eligible to enroll in a

1 qualified health plan through the Ex-
2 change may enroll in such a qualified
3 health plan; and

4 “(ii) that, in the case of an individual
5 who enrolls in a qualified health plan
6 through the Exchange during such enroll-
7 ment period, the coverage period under
8 such plan shall begin, at the option of the
9 individual, on April 1, 2020, or on the first
10 day of the month following the day the in-
11 dividual selects a plan through such special
12 enrollment period.

13 “(B) EXCEPTION.—The requirement of
14 subparagraph (A) shall not apply to a State-op-
15 erated or State-established Exchange if such
16 Exchange, prior to the date of the enactment of
17 this paragraph, established or otherwise pro-
18 vided for a special enrollment period to address
19 access to coverage under qualified health plans
20 offered through such Exchange during the
21 emergency period described in section
22 1135(g)(1)(B) of the Social Security Act.”.

23 (b) FEDERAL EXCHANGE OUTREACH AND EDU-
24 CATIONAL ACTIVITIES.—Section 1321(c) of the Patient
25 Protection and Affordable Care Act (42 U.S.C. 18041(c))

1 is amended by adding at the end the following new para-
2 graph:

3 “(3) OUTREACH AND EDUCATIONAL ACTIVI-
4 TIES.—

5 “(A) IN GENERAL.—In the case of an Ex-
6 change established or operated by the Secretary
7 within a State pursuant to this subsection, the
8 Secretary shall carry out outreach and edu-
9 cational activities for purposes of informing po-
10 tential enrollees in qualified health plans offered
11 through the Exchange of the availability of cov-
12 erage under such plans and financial assistance
13 for coverage under such plans. Such outreach
14 and educational activities shall be provided in a
15 manner that is culturally and linguistically ap-
16 propriate to the needs of the populations being
17 served by the Exchange (including hard-to-
18 reach populations, such as racial and sexual mi-
19 norities, limited English proficient populations,
20 and young adults).

21 “(B) LIMITATION ON USE OF FUNDS.—No
22 funds appropriated under this paragraph shall
23 be used for expenditures for promoting non-
24 ACA compliant health insurance coverage.

1 “(C) NON-ACA COMPLIANT HEALTH IN-
2 SURANCE COVERAGE.—For purposes of sub-
3 paragraph (B):

4 “(i) The term ‘non-ACA compliant
5 health insurance coverage’ means health
6 insurance coverage, or a group health plan,
7 that is not a qualified health plan.

8 “(ii) Such term includes the following:

9 “(I) An association health plan.

10 “(II) Short-term limited duration
11 insurance.

12 “(D) FUNDING.—Out of any funds in the
13 Treasury not otherwise appropriated, there are
14 hereby appropriated \$25,000,000 to carry out
15 this paragraph. Funds appropriated under this
16 subparagraph shall remain available until ex-
17 pended.”.

18 (c) IMPLEMENTATION.—The Secretary of Health and
19 Human Services may implement the provisions of (includ-
20 ing amendments made by) this section through subregu-
21 latory guidance, program instruction, or otherwise.

22 **SEC. 70302. SHORT-TERM LIMITED DURATION INSURANCE**
23 **RULE PROHIBITION.**

24 The Secretary of Health and Human Services, the
25 Secretary of the Treasury, and the Secretary of Labor

1 may not take any action to implement, enforce, or other-
2 wise give effect to the rule entitled “Short-Term, Limited
3 Duration Insurance” (83 Fed. Reg. 38212 (August 3,
4 2018)), and the Secretaries may not promulgate any sub-
5 stantially similar rule.

6 **SEC. 70303. RAPID COVERAGE OF PREVENTIVE SERVICES**
7 **AND VACCINES FOR COVID-19.**

8 (a) IN GENERAL.—In the case of a qualifying
9 COVID-19 preventive service, notwithstanding section
10 2713(b) of the Public Health Service Act (42 U.S.C.
11 300gg–13(b)) (including the regulations under section
12 2590.715–2713 of title 29, Code of Federal Regulations,
13 section 54.9815–2713 of title 26, Code of Federal Regula-
14 tions, and section 147.130 of title 45, Code of Federal
15 Regulations), the Secretary of Health and Human Serv-
16 ices, Secretary of Labor, and Secretary of the Treasury
17 shall apply to group health plans and health insurance
18 issuers offering group or individual health insurance cov-
19 erage the requirement under section 2713(a) of the Public
20 Health Service Act (42 U.S.C. 300gg–13(a)), with respect
21 to such services, as if such section 2713(a)—

22 (1) required the coverage of such service under
23 such plans and such coverage be effective not later
24 than the specified date (as defined in subsection
25 (b)(2)) with respect to such service; and

1 (2) applied to grandfathered health plans (as
2 defined in section 1251(e) of the Patient Protection
3 and Affordable Care Act (42 U.S.C. 18011(e))).

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

5 (1) QUALIFYING COVID-19 PREVENTIVE SERV-
6 ICE.—The term “qualifying COVID-19 preventive
7 service” means an item, service, or immunization
8 that is intended to prevent or mitigate COVID-19
9 and that is—

10 (A) an evidence-based item or service that
11 has in effect a rating of “A” or “B” in the cur-
12 rent recommendations of the United States Pre-
13 ventive Services Task Force; or

14 (B) an immunization that has in effect a
15 recommendation from the Advisory Committee
16 on Immunization Practices of the Centers for
17 Disease Control and Prevention with respect to
18 the individual involved.

19 (2) SPECIFIED DATE.—The term “specified
20 date” means—

21 (A) with respect to a qualifying COVID-19
22 preventive service described in paragraph
23 (1)(A), the date that is 15 business days after
24 the date on which a rating, as described in such

1 paragraph, is made with respect to such service;
2 and

3 (B) with respect to a qualifying COVID-19
4 preventive service described in paragraph
5 (1)(B), the date that is 15 business days after
6 the date on which a recommendation, as de-
7 scribed in such paragraph, is made relating to
8 the service.

9 (3) ADDITIONAL TERMS.—The terms “group
10 health plan”; “health insurance issuer”; “group
11 health insurance coverage”, and “individual health
12 insurance coverage” have the meanings given such
13 terms in section 2791 of the Public Health Service
14 Act (42 U.S.C. 300gg–91), section 733 of the Em-
15 ployee Retirement Income Security Act (29 U.S.C.
16 1191b), and section 9832 of the Internal Revenue
17 Code of 1986, as applicable.

18 (c) IMPLEMENTATION.—The Secretary of Health and
19 Human Services, Secretary of Labor, and Secretary of the
20 Treasury may implement the provisions of this section
21 through program instruction, subregulatory guidance, or
22 otherwise.

1 **SEC. 70304. COVERAGE OF COVID-19 RELATED TREATMENT**
2 **AT NO COST SHARING.**

3 (a) IN GENERAL.—A group health plan and a health
4 insurance issuer offering group or individual health insur-
5 ance coverage (including a grandfathered health plan (as
6 defined in section 1251(e) of the Patient Protection and
7 Affordable Care Act)) shall provide coverage, and shall not
8 impose any cost sharing (including deductibles, copay-
9 ments, and coinsurance) requirements, for the following
10 items and services furnished during any portion of the
11 emergency period defined in paragraph (1)(B) of section
12 1135(g) of the Social Security Act (42 U.S.C. 1320b-
13 5(g)) beginning on or after the date of the enactment of
14 this Act:

15 (1) Medically necessary items and services (in-
16 cluding in-person or telehealth visits in which such
17 items and services are furnished) that are furnished
18 to an individual who has been diagnosed with (or
19 after provision of the items and services is diagnosed
20 with) COVID-19 to treat or mitigate the effects of
21 COVID-19.

22 (2) Medically necessary items and services (in-
23 cluding in-person or telehealth visits in which such
24 items and services are furnished) that are furnished
25 to an individual who is presumed to have COVID-

1 19 but is never diagnosed as such, if the following
2 conditions are met:

3 (A) Such items and services are furnished
4 to the individual to treat or mitigate the effects
5 of COVID-19 or to mitigate the impact of
6 COVID-19 on society.

7 (B) Health care providers have taken ap-
8 propriate steps under the circumstances to
9 make a diagnosis, or confirm whether a diag-
10 nosis was made, with respect to such individual,
11 for COVID-19, if possible.

12 (b) ITEMS AND SERVICES RELATED TO COVID-
13 19.—For purposes of this section—

14 (1) not later than one week after the date of
15 the enactment of this section, the Secretary of
16 Health and Human Services, Secretary of Labor,
17 and Secretary of the Treasury shall jointly issue
18 guidance specifying applicable diagnoses and medi-
19 cally necessary items and services related to COVID-
20 19; and

21 (2) such items and services shall include all
22 items or services that are relevant to the treatment
23 or mitigation of COVID-19, regardless of whether
24 such items or services are ordinarily covered under
25 the terms of a group health plan or group or indi-

1 vidual health insurance coverage offered by a health
2 insurance issuer.

3 (c) REIMBURSEMENT TO PLANS AND COVERAGE FOR
4 WAIVING COST-SHARING.—

5 (1) IN GENERAL.—A group health plan or a
6 health insurance issuer offering group or individual
7 health insurance coverage (including a grandfathered
8 health plan (as defined in section 1251(e) of the Pa-
9 tient Protection and Affordable Care Act)) that does
10 not impose cost sharing requirements as described in
11 subsection (a) shall notify the Secretary of Health
12 and Human Services, Secretary of Labor, and Sec-
13 retary of the Treasury (through a joint process es-
14 tablished jointly by the Secretaries) of the total dol-
15 lar amount of cost-sharing that, but for the applica-
16 tion of subsection (a), would have been required
17 under such plans and coverage for items and serv-
18 ices related to COVID-19 furnished during the pe-
19 riod to which subsection (a) applies to enrollees, par-
20 ticipants, and beneficiaries in the plan or coverage to
21 whom such subsection applies, but which was not
22 imposed for such items and services so furnished
23 pursuant to such subsection and the Secretary of
24 Health and Human Services, in coordination with
25 the Secretary of Labor and the Secretary of the

1 Treasury, shall make payments in accordance with
2 this subsection to the plan or issuer equal to such
3 total dollar amount.

4 (2) METHODOLOGY FOR PAYMENTS.—The Sec-
5 retary of Health and Human Service, in coordina-
6 tion with the Secretary of Labor and the Secretary
7 of the Treasury shall establish a payment system for
8 making payments under this subsection. Any such
9 system shall make payment for the value of cost
10 sharing not imposed by the plan or issuer involved.

11 (3) TIMING OF PAYMENTS.—Payments made
12 under paragraph (1) shall be made no later than
13 May 1, 2021, for amounts of cost sharing waivers
14 with respect to 2020. Payments under this sub-
15 section with respect to such waivers with respect to
16 a year subsequent to 2020 that begins during the
17 period to which subsection (a) applies shall be made
18 no later than May of the year following such subse-
19 quent year.

20 (4) APPROPRIATIONS.—There is authorized to
21 be appropriated, and there is appropriated, out of
22 any monies in the Treasury not otherwise appro-
23 priated, such funds as are necessary to carry out
24 this subsection.

25 (d) ENFORCEMENT.—

1 (1) APPLICATION WITH RESPECT TO PHSA,
2 ERISA, AND IRC.—The provisions of this section
3 shall be applied by the Secretary of Health and
4 Human Services, Secretary of Labor, and Secretary
5 of the Treasury to group health plans and health in-
6 surance issuers offering group or individual health
7 insurance coverage as if included in the provisions of
8 part A of title XXVII of the Public Health Service
9 Act, part 7 of the Employee Retirement Income Se-
10 curity Act of 1974, and subchapter B of chapter 100
11 of the Internal Revenue Code of 1986, as applicable.

12 (2) PRIVATE RIGHT OF ACTION.—An individual
13 with respect to whom an action is taken by a group
14 health plan or health insurance issuer offering group
15 or individual health insurance coverage in violation
16 of subsection (a) may commence a civil action
17 against the plan or issuer for appropriate relief. The
18 previous sentence shall not be construed as limiting
19 any enforcement mechanism otherwise applicable
20 pursuant to paragraph (1).

21 (e) IMPLEMENTATION.—The Secretary of Health and
22 Human Services, Secretary of Labor, and Secretary of the
23 Treasury may implement the provisions of this section
24 through sub-regulatory guidance, program instruction or
25 otherwise.

1 (f) TERMS.—The terms “group health plan”; “health
2 insurance issuer”; “group health insurance coverage”, and
3 “individual health insurance coverage” have the meanings
4 given such terms in section 2791 of the Public Health
5 Service Act (42 U.S.C. 300gg–91), section 733 of the Em-
6 ployee Retirement Income Security Act of 1974 (29
7 U.S.C. 1191b), and section 9832 of the Internal Revenue
8 Code of 1986, as applicable.

9 **SEC. 70305. REQUIRING PRESCRIPTION DRUG REFILL NOTI-**
10 **FICATIONS DURING EMERGENCIES.**

11 (a) ERISA.—

12 (1) IN GENERAL.—Subpart B of part 7 of sub-
13 title B of title I of the Employee Retirement Income
14 Security Act of 1974 (29 U.S.C. 1185 et seq.) is
15 amended by adding at the end the following new sec-
16 tion:

17 **“SEC. 716. PROVISION OF PRESCRIPTION DRUG REFILL NO-**
18 **TIFICATIONS DURING EMERGENCIES.**

19 “(a) IN GENERAL.—A group health plan, and a
20 health insurance issuer offering health insurance coverage
21 in connection with a group health plan, that provides bene-
22 fits for prescription drugs under such plan or such cov-
23 erage shall provide to each individual enrolled under such
24 plan or such coverage who resides in an emergency area
25 during an emergency period, not later than 5 business

1 days after the date of the beginning of such period with
2 respect to such area (or, the case of the emergency period
3 described in section 70305(d)(2) of the Take Responsi-
4 bility for Workers and Families Act, not later than 5 busi-
5 ness days after the date of the enactment of this section),
6 a notification—

7 “(1) of whether such plan or coverage will
8 waive, during such period with respect to such an in-
9 dividual, any time restrictions under such plan or
10 coverage on any authorized refills for such drugs to
11 enable such refills in advance of when such refills
12 would otherwise have been permitted under such
13 plan or coverage; and

14 “(2) in the case that such plan or coverage will
15 waive such restrictions during such period with re-
16 spect to such an individual, that contains informa-
17 tion on how such an individual may obtain such a
18 refill.

19 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
20 purposes of this section, an ‘emergency area’ is a geo-
21 graphical area in which, and an ‘emergency period’ is the
22 period during which, there exists—

23 “(1) an emergency or disaster declared by the
24 President pursuant to the National Emergencies Act

1 or the Robert T. Stafford Disaster Relief and Emer-
2 gency Assistance Act; and

3 “(2) a public health emergency declared by the
4 Secretary pursuant to section 319 of the Public
5 Health Service Act.”.

6 (2) CLERICAL AMENDMENT.—The table of con-
7 tents of the Employee Retirement Income Security
8 Act of 1974 is amended by inserting after the item
9 relating to section 714 the following:

“Sec. 715. Additional market reforms.

“Sec. 716. Provision of prescription drug refill notifications during emer-
gencies.”.

10 (b) PHSA.—Subpart II of part A of title XXVII of
11 the Public Health Service Act (42 U.S.C. 300gg–11 et
12 seq.) is amended by adding at the end the following new
13 section:

14 **“SEC. 2730. PROVISION OF PRESCRIPTION DRUG REFILL**
15 **NOTIFICATIONS DURING EMERGENCIES.**

16 “(a) IN GENERAL.—A group health plan, and a
17 health insurance issuer offering group or individual health
18 insurance coverage, that provides benefits for prescription
19 drugs under such plan or such coverage shall provide to
20 each individual enrolled under such plan or such coverage
21 who resides in an emergency area during an emergency
22 period, not later than 5 business days after the date of
23 the beginning of such period with respect to such area (or,
24 the case of the emergency period described in section

1 70305(d)(2) of the Take Responsibility for Workers and
2 Families Act, not later than 5 business days after the date
3 of the enactment of this section), a notification—

4 “(1) of whether such plan or coverage will
5 waive, during such period with respect to such an in-
6 dividual, any time restrictions under such plan or
7 coverage on any authorized refills for such drugs to
8 enable such refills in advance of when such refills
9 would otherwise have been permitted under such
10 plan or coverage; and

11 “(2) in the case that such plan or coverage will
12 waive such restrictions during such period with re-
13 spect to such an individual, that contains informa-
14 tion on how such an individual may obtain such a
15 refill.

16 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
17 purposes of this section, an ‘emergency area’ is a geo-
18 graphical area in which, and an ‘emergency period’ is the
19 period during which, there exists—

20 “(1) an emergency or disaster declared by the
21 President pursuant to the National Emergencies Act
22 or the Robert T. Stafford Disaster Relief and Emer-
23 gency Assistance Act; and

24 “(2) a public health emergency declared by the
25 Secretary pursuant to section 319.”.

1 (c) IRC.—

2 (1) IN GENERAL.—Subchapter B of chapter
3 100 of the Internal Revenue Code of 1986 is amend-
4 ed by adding at the end the following new section:

5 **“SEC. 9816. PROVISION OF PRESCRIPTION DRUG REFILL**
6 **NOTIFICATIONS DURING EMERGENCIES.**

7 “(a) IN GENERAL.—A group health plan that pro-
8 vides benefits for prescription drugs under such plan shall
9 provide to each individual enrolled under such plan who
10 resides in an emergency area during an emergency period,
11 not later than 5 business days after the date of the begin-
12 ning of such period with respect to such area (or, the case
13 of the emergency period described in section 70305(d)(2)
14 of the Take Responsibility for Workers and Families Act,
15 not later than 5 business days after the date of the enact-
16 ment of this section), a notification—

17 “(1) of whether such plan will waive, during
18 such period with respect to such an individual, any
19 time restrictions under such plan on any authorized
20 refills for such drugs to enable such refills in ad-
21 vance of when such refills would otherwise have been
22 permitted under such plan; and

23 “(2) in the case that such plan will waive such
24 restrictions during such period with respect to such

1 an individual, that contains information on how such
2 an individual may obtain such a refill.

3 “(b) EMERGENCY AREA; EMERGENCY PERIOD.—For
4 purposes of this section, an ‘emergency area’ is a geo-
5 graphical area in which, and an ‘emergency period’ is the
6 period during which, there exists—

7 “(1) an emergency or disaster declared by the
8 President pursuant to the National Emergencies Act
9 or the Robert T. Stafford Disaster Relief and Emer-
10 gency Assistance Act; and

11 “(2) a public health emergency declared by the
12 Secretary pursuant to section 319 of the Public
13 Health Service Act.”.

14 (2) CLERICAL AMENDMENT.—The table of sec-
15 tions for subchapter B of chapter 100 of the Inter-
16 nal Revenue Code of 1986 is amended by adding at
17 the end the following new item:

“Sec. 9816. Provision of prescription drug refill notifications during emer-
gencies.”.

18 (d) EFFECTIVE DATE.—The amendments made by
19 this section shall apply with respect to—

20 (1) emergency periods beginning on or after the
21 date of the enactment of this Act; and

22 (2) the emergency period relating to the public
23 health emergency declared by the Secretary of
24 Health and Human Services pursuant to section 319

1 of the Public Health Service Act on January 31,
2 2020, entitled “Determination that a Public Health
3 Emergency Exists Nationwide as the Result of the
4 2019 Novel Coronavirus”.

5 **SEC. 70306. IMPROVEMENT OF CERTAIN NOTIFICATIONS**
6 **PROVIDED TO QUALIFIED BENEFICIARIES BY**
7 **GROUP HEALTH PLANS IN THE CASE OF**
8 **QUALIFYING EVENTS.**

9 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
10 OF 1974.—

11 (1) IN GENERAL.—Section 606 of the Employee
12 Retirement Income Security Act of 1974 (29 U.S.C.
13 1166) is amended—

14 (A) in subsection (a)(4), in the matter fol-
15 lowing subparagraph (B), by striking “under
16 this subsection” and inserting “under this part
17 in accordance with the notification requirements
18 under subsection (c)”; and

19 (B) in subsection (c)—

20 (i) by striking “For purposes of sub-
21 section (a)(4), any notification” and insert-
22 ing “For purposes of subsection (a)(4)—
23 “(1) any notification”;

24 (ii) by striking “, whichever is applica-
25 ble, and any such notification” and insert-

1 ing “of subsection (a), whichever is appli-
2 cable;

3 “(2) any such notification”; and

4 (iii) by striking “such notification is
5 made” and inserting “such notification is
6 made; and

7 “(3) any such notification shall, with respect to
8 each qualified beneficiary with respect to whom such
9 notification is made, include information regarding
10 any Exchange established under title I of the Pa-
11 tient Protection and Affordable Care Act through
12 which such a qualified beneficiary may be eligible to
13 enroll in a qualified health plan (as defined in sec-
14 tion 1301 of the Patient Protection and Affordable
15 Care Act), including—

16 “(A) the publicly accessible Internet
17 website address for such Exchange;

18 “(B) the publicly accessible Internet
19 website address for the Find Local Help direc-
20 tory maintained by the Department of Health
21 and Human Services on the healthcare.gov
22 Internet website (or a successor website);

23 “(C) a clear explanation that—

24 “(i) an individual who is eligible for
25 continuation coverage may also be eligible

1 to enroll, with financial assistance, in a
2 qualified health plan offered through such
3 Exchange, but, in the case that such indi-
4 vidual elects to enroll in such continuation
5 coverage and subsequently elects to termi-
6 nate such continuation coverage before the
7 period of such continuation coverage ex-
8 pires, such individual will not be eligible to
9 enroll in a qualified health plan offered
10 through such Exchange during a special
11 enrollment period; and

12 “(ii) an individual who elects to enroll
13 in continuation coverage will remain eligi-
14 ble to enroll in a qualified health plan of-
15 fered through such Exchange during an
16 open enrollment period and may be eligible
17 for financial assistance with respect to en-
18 rolling in such a qualified health plan;

19 “(D) information on consumer protections
20 with respect to enrolling in a qualified health
21 plan offered through such Exchange, including
22 the requirement for such a qualified health plan
23 to provide coverage for essential health benefits
24 (as defined in section 1302(b) of the Patient
25 Protection and Affordable Care Act) and the re-

1 requirements applicable to such a qualified health
2 plan under part A of title XXVII of the Public
3 Health Service Act; and

4 “(E) information on the availability of fi-
5 nancial assistance with respect to enrolling in a
6 qualified health plan, including the maximum
7 income limit for eligibility for a premium tax
8 credit under section 36B of the Internal Rev-
9 enue Code of 1986.”.

10 (2) EFFECTIVE DATE.—The amendments made
11 by paragraph (1) shall apply with respect to quali-
12 fying events occurring on or after the date that is
13 14 days after the date of the enactment of this Act.

14 (b) PUBLIC HEALTH SERVICE ACT.—

15 (1) IN GENERAL.—Section 2206 of the Public
16 Health Service Act (42 U.S.C. 300bb–6) is amend-
17 ed—

18 (A) by striking “In accordance” and in-
19 serting the following:

20 “(a) IN GENERAL.—In accordance”;

21 (B) by striking “of such beneficiary’s
22 rights under this subsection” and inserting “of
23 such beneficiary’s rights under this title in ac-
24 cordance with the notification requirements
25 under subsection (b)”;

1 (C) by striking “For purposes of para-
2 graph (4),” and all that follows through “such
3 notification is made.” and inserting the fol-
4 lowing:

5 “(b) RULES RELATING TO NOTIFICATION OF QUALI-
6 FIED BENEFICIARIES BY PLAN ADMINISTRATOR.—For
7 purposes of subsection (a)(4)—

8 “(1) any notification shall be made within 14
9 days of the date on which the plan administrator is
10 notified under paragraph (2) or (3) of subsection
11 (a), whichever is applicable;

12 “(2) any such notification to an individual who
13 is a qualified beneficiary as the spouse of the cov-
14 ered employee shall be treated as notification to all
15 other qualified beneficiaries residing with such
16 spouse at the time such notification is made; and

17 “(3) any such notification shall, with respect to
18 each qualified beneficiary with respect to whom such
19 notification is made, include information regarding
20 any Exchange established under title I of the Pa-
21 tient Protection and Affordable Care Act through
22 which such a qualified beneficiary may be eligible to
23 enroll in a qualified health plan (as defined in sec-
24 tion 1301 of the Patient Protection and Affordable
25 Care Act), including—

1 “(A) the publicly accessible Internet
2 website address for such Exchange;

3 “(B) the publicly accessible Internet
4 website address for the Find Local Help direc-
5 tory maintained by the Department of Health
6 and Human Services on the healthcare.gov
7 Internet website (or a successor website);

8 “(C) a clear explanation that—

9 “(i) an individual who is eligible for
10 continuation coverage may also be eligible
11 to enroll, with financial assistance, in a
12 qualified health plan offered through such
13 Exchange, but, in the case that such indi-
14 vidual elects to enroll in such continuation
15 coverage and subsequently elects to termi-
16 nate such continuation coverage before the
17 period of such continuation coverage ex-
18 pires, such individual will not be eligible to
19 enroll in a qualified health plan offered
20 through such Exchange during a special
21 enrollment period; and

22 “(ii) an individual who elects to enroll
23 in continuation coverage will remain eligi-
24 ble to enroll in a qualified health plan of-
25 fered through such Exchange during an

1 open enrollment period and may be eligible
2 for financial assistance with respect to en-
3 rolling in such a qualified health plan;

4 “(D) information on consumer protections
5 with respect to enrolling in a qualified health
6 plan offered through such Exchange, including
7 the requirement for such a qualified health plan
8 to provide coverage for essential health benefits
9 (as defined in section 1302(b) of the Patient
10 Protection and Affordable Care Act) and the re-
11 quirements applicable to such a qualified health
12 plan under part A of title XXVII; and

13 “(E) information on the availability of fi-
14 nancial assistance with respect to enrolling in a
15 qualified health plan, including the maximum
16 income limit for eligibility for a premium tax
17 credit under section 36B of the Internal Rev-
18 enue Code of 1986.”.

19 (2) EFFECTIVE DATE.—The amendments made
20 by paragraph (1) shall apply with respect to quali-
21 fying events occurring on or after the date that is
22 14 days after the date of the enactment of this Act.

23 (c) INTERNAL REVENUE CODE OF 1986.—

24 (1) IN GENERAL.—Section 4980B(f)(6) of the
25 Internal Revenue Code of 1986 is amended—

1 (A) in subparagraph (D)—

2 (i) in clause (ii), by striking “under
3 subparagraph (C)” and inserting “under
4 clause (iii)”; and

5 (ii) by redesignating clauses (i) and
6 (ii) as subclauses (I) and (II), respectively,
7 and moving the margin of each such sub-
8 clause, as so redesignated, 2 ems to the
9 right;

10 (B) by redesignating subparagraphs (A)
11 through (D) as clauses (i) through (iv), respec-
12 tively, and moving the margin of each such
13 clause, as so redesignated, 2 ems to the right;

14 (C) by striking “In accordance” and in-
15 serting the following:

16 “(A) IN GENERAL.—In accordance”;

17 (D) by inserting after “of such bene-
18 ficiary’s rights under this subsection” the fol-
19 lowing: “in accordance with the notification re-
20 quirements under subparagraph (C)”; and

21 (E) by striking “The requirements of sub-
22 paragraph (B)” and all that follows through
23 “such notification is made.” and inserting the
24 following:

1 “(B) ALTERNATIVE MEANS OF COMPLI-
2 ANCE WITH REQUIREMENT FOR NOTIFICATION
3 OF MULTIEMPLOYER PLANS BY EMPLOYERS.—
4 The requirements of subparagraph (A)(ii) shall
5 be considered satisfied in the case of a multiem-
6 ployer plan in connection with a qualifying
7 event described in paragraph (3)(B) if the plan
8 provides that the determination of the occur-
9 rence of such qualifying event will be made by
10 the plan administrator.

11 “(C) RULES RELATING TO NOTIFICATION
12 OF QUALIFIED BENEFICIARIES BY PLAN ADMIN-
13 ISTRATOR.—For purposes of subparagraph
14 (A)(iv)—

15 “(i) any notification shall be made
16 within 14 days (or, in the case of a group
17 health plan which is a multiemployer plan,
18 such longer period of time as may be pro-
19 vided in the terms of the plan) of the date
20 on which the plan administrator is notified
21 under clause (ii) or (iii) of subparagraph
22 (A), whichever is applicable;

23 “(ii) any such notification to an indi-
24 vidual who is a qualified beneficiary as the
25 spouse of the covered employee shall be

1 treated as notification to all other qualified
2 beneficiaries residing with such spouse at
3 the time such notification is made; and

4 “(iii) any such notification shall, with
5 respect to each qualified beneficiary with
6 respect to whom such notification is made,
7 include information regarding any Ex-
8 change established under title I of the Pa-
9 tient Protection and Affordable Care Act
10 through which such a qualified beneficiary
11 may be eligible to enroll in a qualified
12 health plan (as defined in section 1301 of
13 the Patient Protection and Affordable Care
14 Act), including—

15 “(I) the publicly accessible Inter-
16 net website address for such Ex-
17 change;

18 “(II) the publicly accessible
19 Internet website address for the Find
20 Local Help directory maintained by
21 the Department of Health and
22 Human Services on the healthcare.gov
23 Internet website (or a successor
24 website);

25 “(III) a clear explanation that—

1 “(aa) an individual who is
2 eligible for continuation coverage
3 may also be eligible to enroll,
4 with financial assistance, in a
5 qualified health plan offered
6 through such Exchange, but, in
7 the case that such individual
8 elects to enroll in such continu-
9 ation coverage and subsequently
10 elects to terminate such continu-
11 ation coverage before the period
12 of such continuation coverage ex-
13 pires, such individual will not be
14 eligible to enroll in a qualified
15 health plan offered through such
16 Exchange during a special enroll-
17 ment period; and

18 “(bb) an individual who
19 elects to enroll in continuation
20 coverage will remain eligible to
21 enroll in a qualified health plan
22 offered through such Exchange
23 during an open enrollment period
24 and may be eligible for financial
25 assistance with respect to enroll-

1 ing in such a qualified health
2 plan;

3 “(IV) information on consumer
4 protections with respect to enrolling in
5 a qualified health plan offered
6 through such Exchange, including the
7 requirement for such a qualified
8 health plan to provide coverage for es-
9 sential health benefits (as defined in
10 section 1302(b) of the Patient Protec-
11 tion and Affordable Care Act) and the
12 requirements applicable to such a
13 qualified health plan under part A of
14 title XXVII of the Public Health
15 Service Act; and

16 “(V) information on the avail-
17 ability of financial assistance with re-
18 spect to enrolling in a qualified health
19 plan, including the maximum income
20 limit for eligibility for a premium tax
21 credit under section 36B.”.

22 (2) EFFECTIVE DATE.—The amendments made
23 by paragraph (1) shall apply with respect to quali-
24 fying events occurring on or after the date that is
25 14 days after the date of the enactment of this Act.

1 (d) MODEL NOTICES.—Not later than 14 days after
2 the date of the enactment of this Act, the Secretary of
3 the Labor, in consultation with the Secretary of the Treas-
4 ury and the Secretary of Health and Human Services,
5 shall—

6 (1) update the model Consolidated Omnibus
7 Budget Reconciliation Act of 1985 (referred to in
8 this subsection as “COBRA”) continuation coverage
9 general notice and the model COBRA continuation
10 coverage election notice developed by the Secretary
11 of Labor for purposes of facilitating compliance of
12 group health plans with the notification require-
13 ments under section 606 of the Employee Retire-
14 ment Income Security Act of 1974 (29 U.S.C. 1166)
15 to include the information described in paragraph
16 (3) of subsection (c) of such section 606, as added
17 by subsection (a)(1);

18 (2) provide an opportunity for consumer testing
19 of each such notice, as so updated, to ensure that
20 each such notice is clear and understandable to the
21 average participant or beneficiary of a group health
22 plan; and

23 (3) rename the model COBRA continuation
24 coverage general notice and the model COBRA con-
25 tinuation coverage election notice as the “model

1 COBRA continuation coverage and Affordable Care
2 Act coverage general notice” and the “model
3 COBRA continuation coverage and Affordable Care
4 Act coverage election notice”, respectively.

5 **SEC. 70307. PRESERVING HEALTH BENEFITS FOR WORK-**
6 **ERS.**

7 (a) PREMIUM ASSISTANCE FOR COBRA CONTINU-
8 ATION COVERAGE FOR INDIVIDUALS AND THEIR FAMI-
9 LIES.—

10 (1) PROVISION OF PREMIUM ASSISTANCE.—

11 (A) REDUCTION OF PREMIUMS PAY-
12 ABLE.—In the case of any premium for a pe-
13 riod of coverage beginning on or after the date
14 of the enactment of this Act for COBRA con-
15 tinuation coverage with respect to any assist-
16 ance eligible individual, such individual shall be
17 treated for purposes of any COBRA continu-
18 ation provision as having paid the amount of
19 such premium if such individual pays (or a per-
20 son other than such individual’s employer pays
21 on behalf of such individual) 0 percent of the
22 amount of such premium (as determined with-
23 out regard to this subsection).

24 (B) PLAN ENROLLMENT OPTION.—

1 (i) IN GENERAL.—Notwithstanding
2 the COBRA continuation provisions, an as-
3 sistance eligible individual may, not later
4 than 90 days after the date of notice of the
5 plan enrollment option described in this
6 subparagraph, elect to enroll in coverage
7 under a plan offered by the employer in-
8 volved, or the employee organization in-
9 volved (including, for this purpose, a joint
10 board of trustees of a multiemployer trust
11 affiliated with one or more multiemployer
12 plans), that is different than coverage
13 under the plan in which such individual
14 was enrolled at the time the qualifying
15 event occurred, and such coverage shall be
16 treated as COBRA continuation coverage
17 for purposes of the applicable COBRA con-
18 tinuation coverage provision.

19 (ii) REQUIREMENTS.—An assistance
20 eligible individual may elect to enroll in
21 different coverage as described in clause (i)
22 only if—

23 (I) the employer involved has
24 made a determination that such em-
25 ployer will permit assistance eligible

1 individuals to enroll in different cov-
2 erage as provided for this subpara-
3 graph;

4 (II) the premium for such dif-
5 ferent coverage does not exceed the
6 premium for coverage in which the in-
7 dividual was enrolled at the time the
8 qualifying event occurred;

9 (III) the different coverage in
10 which the individual elects to enroll is
11 coverage that is also offered to the ac-
12 tive employees of the employer at the
13 time at which such election is made;
14 and

15 (IV) the different coverage is
16 not—

17 (aa) coverage that provides
18 only dental, vision, counseling, or
19 referral services (or a combina-
20 tion of such services);

21 (bb) a flexible spending ar-
22 rangement (as defined in section
23 106(c)(2) of the Internal Rev-
24 enue Code of 1986); or

1 (cc) coverage that provides
2 coverage for services or treat-
3 ments furnished in an on-site
4 medical facility maintained by
5 the employer and that consists
6 primarily of first-aid services,
7 prevention and wellness care, or
8 similar care (or a combination of
9 such care).

10 (C) PREMIUM REIMBURSEMENT.—For pro-
11 visions providing the payment of such premium,
12 see section 6432 of the Internal Revenue Code
13 of 1986, as added by paragraph (12).

14 (2) LIMITATION OF PERIOD OF PREMIUM AS-
15 SISTANCE.—

16 (A) ELIGIBILITY FOR ADDITIONAL COV-
17 ERAGE.—Paragraph (1)(A) shall not apply with
18 respect to any assistance eligible individual for
19 months of coverage beginning on or after—

20 (i) the earlier of the first date that
21 such individual is eligible for coverage
22 under any other group health plan (other
23 than coverage consisting of only dental, vi-
24 sion, counseling, or referral services (or a
25 combination thereof), coverage under a

1 flexible spending arrangement (as defined
2 in section 106(e)(2) of the Internal Rev-
3 enue Code of 1986), coverage of treatment
4 that is furnished in an on-site medical fa-
5 cility maintained by the employer and that
6 consists primarily of first-aid services, pre-
7 vention and wellness care, or similar care
8 (or a combination thereof), is eligible for
9 benefits under title XVIII of the Social Se-
10 curity Act, or enrolls in a qualified health
11 plan (as defined in section 1301(a) of the
12 Patient Protection and Affordable Care
13 Act (42 U.S.C. 18021(a)) offered through
14 an Exchange established under title I of
15 the Patient Protection and Affordable Care
16 Act; and

17 (ii) the earliest of—

18 (I) the date which is 9 months
19 after the first day of the first month
20 that paragraph (1)(A) applies with re-
21 spect to such individual;

22 (II) the date following the expira-
23 tion of the maximum period of con-
24 tinuation coverage required under the

1 applicable COBRA continuation cov-
2 erage provision; or

3 (III) the date following the expi-
4 ration of the period of continuation
5 coverage allowed under paragraph
6 (4)(B)(ii).

7 (B) TIMING OF ELIGIBILITY FOR ADDI-
8 TIONAL COVERAGE.—For purposes of subpara-
9 graph (A)(i), an individual shall not be treated
10 as eligible for coverage under a group health
11 plan before the first date on which such indi-
12 vidual could be covered under such plan.

13 (C) NOTIFICATION REQUIREMENT.—An
14 assistance eligible individual shall notify in writ-
15 ing the group health plan with respect to which
16 paragraph (1)(A) applies if such paragraph
17 ceases to apply by reason of subparagraph
18 (A)(i). Such notice shall be provided to the
19 group health plan in such time and manner as
20 may be specified by the Secretary of Labor.

21 (3) ASSISTANCE ELIGIBLE INDIVIDUAL.—For
22 purposes of this section, the term “assistance eligible
23 individual” means any qualified beneficiary if—

24 (A) at any time during the emergency pe-
25 riod described in section 1135(g)(1)(B) of the

1 Social Security Act (42 U.S.C. 1320b–
2 5(g)(1)(B)) such qualified beneficiary is eligible
3 for COBRA continuation coverage by reason of
4 qualifying event specified in section 603(2) of
5 the Employee Retirement Income Security Act
6 of 1974, section 4980B(f)(3)(B) of the Internal
7 Revenue Code of 1986, section 2203(2) of the
8 Public Health Service Act, or section 8905a of
9 title 5, United States Code; and

10 (B) such qualified beneficiary elects such
11 coverage.

12 (4) EXTENSION OF ELECTION PERIOD AND EF-
13 FECT ON COVERAGE.—

14 (A) IN GENERAL.—For purposes of apply-
15 ing section 605(a) of the Employee Retirement
16 Income Security Act of 1974, section
17 4980B(f)(5)(A) of the Internal Revenue Code
18 of 1986, section 2205(a) of the Public Health
19 Service Act, and section 8905a(c)(2) of title 5,
20 United States Code, in the case of—

21 (i) an individual who does not have an
22 election of COBRA continuation coverage
23 in effect on the date of the enactment of
24 this Act but who would be an assistance el-

1 eligible individual if such election were so in
2 effect; or

3 (ii) an individual who elected COBRA
4 continuation coverage on or after the first
5 date of the emergency period described in
6 section 1135(g)(1)(B) of the Social Secu-
7 rity Act (42 U.S.C. 1320b–5(g)(1)(B)) and
8 disenrolled from such coverage before the
9 date of the enactment of this Act;

10 such individual may elect the COBRA continu-
11 ation coverage under the COBRA continuation
12 coverage provisions containing such sections
13 during the period beginning on the date of the
14 enactment of this Act and ending 60 days after
15 the date on which the notification required
16 under paragraph (7)(C) is provided to such in-
17 dividual.

18 (B) COMMENCEMENT OF COVERAGE; NO
19 REACH-BACK.—Any COBRA continuation cov-
20 erage elected by a qualified beneficiary during
21 an extended election period under subparagraph
22 (A)—

23 (i) shall commence with the first pe-
24 riod of coverage beginning on or after the
25 date of the enactment of this Act; and

1 (ii) shall not extend beyond the period
2 of COBRA continuation coverage that
3 would have been required under the appli-
4 cable COBRA continuation coverage provi-
5 sion if the coverage had been elected as re-
6 quired under such provision.

7 (5) EXPEDITED REVIEW OF DENIALS OF PRE-
8 MIUM ASSISTANCE.—In any case in which an indi-
9 vidual requests treatment as an assistance eligible
10 individual and is denied such treatment by the group
11 health plan, the Secretary of Labor (or the Sec-
12 retary of Health and Human Services in connection
13 with COBRA continuation coverage which is pro-
14 vided other than pursuant to part 6 of subtitle B of
15 title I of the Employee Retirement Income Security
16 Act of 1974), in consultation with the Secretary of
17 the Treasury, shall provide for expedited review of
18 such denial. An individual shall be entitled to such
19 review upon application to such Secretary in such
20 form and manner as shall be provided by such Sec-
21 retary. Such Secretary shall make a determination
22 regarding such individual's eligibility within 15 busi-
23 ness days after receipt of such individual's applica-
24 tion for review under this paragraph. Either Sec-
25 retary's determination upon review of the denial

1 shall be de novo and shall be the final determination
2 of such Secretary. A reviewing court shall grant def-
3 erence to such Secretary's determination. The provi-
4 sions of this paragraph, paragraphs (1) through (4),
5 and paragraph (7) shall be treated as provisions of
6 title I of the Employee Retirement Income Security
7 Act of 1974 for purposes of part 5 of subtitle B of
8 such title.

9 (6) DISREGARD OF SUBSIDIES FOR PURPOSES
10 OF FEDERAL AND STATE PROGRAMS.—Notwith-
11 standing any other provision of law, any premium
12 reduction with respect to an assistance eligible indi-
13 vidual under this subsection shall not be considered
14 income or resources in determining eligibility for, or
15 the amount of assistance or benefits provided under,
16 any other public benefit provided under Federal law
17 or the law of any State or political subdivision there-
18 of.

19 (7) NOTICES TO INDIVIDUALS.—

20 (A) GENERAL NOTICE.—

21 (i) IN GENERAL.—In the case of no-
22 tices provided under section 606(a)(4) of
23 the Employee Retirement Income Security
24 Act of 1974 (29 U.S.C. 1166(4)), section
25 4980B(f)(6)(D) of the Internal Revenue

1 Code of 1986, section 2206(4) of the Pub-
2 lic Health Service Act (42 U.S.C. 300bb-
3 6(4)), or section 8905a(f)(2)(A) of title 5,
4 United States Code, with respect to indi-
5 viduals who, during the period described in
6 paragraph (3)(A), become entitled to elect
7 COBRA continuation coverage, the re-
8 quirements of such sections shall not be
9 treated as met unless such notices include
10 an additional notification to the recipient
11 of—

12 (I) the availability of premium
13 reduction with respect to such cov-
14 erage under this subsection; and

15 (II) the option to enroll in dif-
16 ferent coverage if the employer per-
17 mits assistance eligible individuals to
18 elect enrollment in different coverage
19 (as described in paragraph (1)(B)).

20 (ii) ALTERNATIVE NOTICE.—In the
21 case of COBRA continuation coverage to
22 which the notice provision under such sec-
23 tions does not apply, the Secretary of
24 Labor, in consultation with the Secretary
25 of the Treasury and the Secretary of

1 Health and Human Services, shall, in con-
2 sultation with administrators of the group
3 health plans (or other entities) that provide
4 or administer the COBRA continuation
5 coverage involved, provide rules requiring
6 the provision of such notice.

7 (iii) FORM.—The requirement of the
8 additional notification under this subpara-
9 graph may be met by amendment of exist-
10 ing notice forms or by inclusion of a sepa-
11 rate document with the notice otherwise
12 required.

13 (B) SPECIFIC REQUIREMENTS.—Each ad-
14 ditional notification under subparagraph (A)
15 shall include—

16 (i) the forms necessary for estab-
17 lishing eligibility for premium reduction
18 under this subsection;

19 (ii) the name, address, and telephone
20 number necessary to contact the plan ad-
21 ministrator and any other person main-
22 taining relevant information in connection
23 with such premium reduction;

1 (iii) a description of the extended elec-
2 tion period provided for in paragraph
3 (4)(A);

4 (iv) a description of the obligation of
5 the qualified beneficiary under paragraph
6 (2)(C) to notify the plan providing continu-
7 ation coverage of eligibility for subsequent
8 coverage under another group health plan
9 or eligibility for benefits under title XVIII
10 of the Social Security Act and the penalty
11 provided under section 6720C of the Inter-
12 nal Revenue Code of 1986 for failure to so
13 notify the plan;

14 (v) a description, displayed in a
15 prominent manner, of the qualified bene-
16 ficiary's right to a reduced premium and
17 any conditions on entitlement to the re-
18 duced premium;

19 (vi) a description of the option of the
20 qualified beneficiary to enroll in different
21 coverage if the employer permits such ben-
22 eficiary to elect to enroll in such different
23 coverage under paragraph (1)(B);

24 (vii) information regarding any Ex-
25 change established under title I of the Pa-

1 tient Protection and Affordable Care Act
2 through which a qualified beneficiary may
3 be eligible to enroll in a qualified health
4 plan, including—

5 (I) the publicly accessible inter-
6 net website address for such Ex-
7 change;

8 (II) the publicly accessible inter-
9 net website address for the Find
10 Local Help directory maintained by
11 the Department of Health and
12 Human Services on the healthcare.gov
13 internet website (or a successor
14 website);

15 (III) a clear explanation that—

16 (aa) an individual who is eli-
17 gible for continuation coverage
18 may also be eligible to enroll,
19 with financial assistance, in a
20 qualified health plan offered
21 through such Exchange, but, in
22 the case that such individual
23 elects to enroll in such continu-
24 ation coverage and subsequently
25 elects to terminate such continu-

1 ation coverage before the period
2 of such continuation coverage ex-
3 pires, such individual will not be
4 eligible to enroll in a qualified
5 health plan offered through such
6 Exchange during a special enroll-
7 ment period; and

8 (bb) an individual who elects
9 to enroll in continuation coverage
10 will remain eligible to enroll in a
11 qualified health plan offered
12 through such Exchange during
13 an open enrollment period and
14 may be eligible for financial as-
15 sistance with respect to enrolling
16 in such a qualified health plan;

17 (IV) information on consumer
18 protections with respect to enrolling in
19 a qualified health plan offered
20 through such Exchange, including the
21 requirement for such a qualified
22 health plan to provide coverage for es-
23 sential health benefits (as defined in
24 section 1302(b) of such Act (42
25 U.S.C. 18022(b))) and the require-

1 ments applicable to such a qualified
2 health plan under part A of title
3 XXVII of the Public Health Service
4 Act (42 U.S.C. 300gg et seq.); and

5 (V) information on the avail-
6 ability of financial assistance with re-
7 spect to enrolling in a qualified health
8 plan, including the maximum income
9 limit for eligibility for a premium tax
10 credit under section 36B of the Inter-
11 nal Revenue Code of 1986.

12 (C) NOTICE IN CONNECTION WITH EX-
13 TENDED ELECTION PERIODS.—In the case of
14 any assistance eligible individual (or any indi-
15 vidual described in paragraph (4)(A)) who be-
16 came entitled to elect COBRA continuation cov-
17 erage before the date of the enactment of this
18 Act, the administrator of the group health plan
19 (or other entity) involved shall provide (within
20 60 days after the date of enactment of this Act)
21 for the additional notification required to be
22 provided under subparagraph (A) and failure to
23 provide such notice shall be treated as a failure
24 to meet the notice requirements under the ap-
25 plicable COBRA continuation provision.

1 (D) MODEL NOTICES.—Not later than 30
2 days after the date of enactment of this Act—

3 (i) the Secretary of the Labor, in con-
4 sultation with the Secretary of the Treas-
5 ury and the Secretary of Health and
6 Human Services, shall prescribe models for
7 the additional notification required under
8 this paragraph (other than the additional
9 notification described in clause (ii)); and

10 (ii) in the case of any additional noti-
11 fication provided pursuant to subpara-
12 graph (A) under section 8905a(f)(2)(A) of
13 title 5, United States Code, the Office of
14 Personnel Management shall prescribe a
15 model for such additional notification.

16 (8) REGULATIONS.—The Secretary of the
17 Treasury may prescribe such regulations or other
18 guidance as may be necessary or appropriate to
19 carry out the provisions of this subsection, including
20 the prevention of fraud and abuse under this sub-
21 section, except that the Secretary of Labor and the
22 Secretary of Health and Human Services may pre-
23 scribe such regulations (including interim final regu-
24 lations) or other guidance as may be necessary or

1 appropriate to carry out the provisions of para-
2 graphs (5), (7), and (9).

3 (9) OUTREACH.—The Secretary of Labor, in
4 consultation with the Secretary of the Treasury and
5 the Secretary of Health and Human Services, shall
6 provide outreach consisting of public education and
7 enrollment assistance relating to premium reduction
8 provided under this subsection. Such outreach shall
9 target employers, group health plan administrators,
10 public assistance programs, States, insurers, and
11 other entities as determined appropriate by such
12 Secretaries. Such outreach shall include an initial
13 focus on those individuals electing continuation cov-
14 erage who are referred to in paragraph (7)(C). In-
15 formation on such premium reduction, including en-
16 rollment, shall also be made available on websites of
17 the Departments of Labor, Treasury, and Health
18 and Human Services.

19 (10) DEFINITIONS.—For purposes of this sec-
20 tion:

21 (A) ADMINISTRATOR.—The term “admin-
22 istrator” has the meaning given such term in
23 section 3(16)(A) of the Employee Retirement
24 Income Security Act of 1974.

1 (B) COBRA CONTINUATION COVERAGE.—

2 The term “COBRA continuation coverage”
3 means continuation coverage provided pursuant
4 to part 6 of subtitle B of title I of the Em-
5 ployee Retirement Income Security Act of 1974
6 (other than under section 609), title XXII of
7 the Public Health Service Act, section 4980B of
8 the Internal Revenue Code of 1986 (other than
9 subsection (f)(1) of such section insofar as it
10 relates to pediatric vaccines), or section 8905a
11 of title 5, United States Code, or under a State
12 program that provides comparable continuation
13 coverage. Such term does not include coverage
14 under a health flexible spending arrangement
15 under a cafeteria plan within the meaning of
16 section 125 of the Internal Revenue Code of
17 1986.

18 (C) COBRA CONTINUATION PROVISION.—

19 The term “COBRA continuation provision”
20 means the provisions of law described in sub-
21 paragraph (B).

22 (D) COVERED EMPLOYEE.—The term
23 “covered employee” has the meaning given such
24 term in section 607(2) of the Employee Retire-
25 ment Income Security Act of 1974.

1 (E) QUALIFIED BENEFICIARY.—The term
2 “qualified beneficiary” has the meaning given
3 such term in section 607(3) of the Employee
4 Retirement Income Security Act of 1974.

5 (F) GROUP HEALTH PLAN.—The term
6 “group health plan” has the meaning given
7 such term in section 607(1) of the Employee
8 Retirement Income Security Act of 1974.

9 (G) STATE.—The term “State” includes
10 the District of Columbia, the Commonwealth of
11 Puerto Rico, the Virgin Islands, Guam, Amer-
12 ican Samoa, and the Commonwealth of the
13 Northern Mariana Islands.

14 (H) PERIOD OF COVERAGE.—Any ref-
15 erence in this subsection to a period of coverage
16 shall be treated as a reference to a monthly or
17 shorter period of coverage with respect to which
18 premiums are charged with respect to such cov-
19 erage.

20 (11) REPORTS.—

21 (A) INTERIM REPORT.—The Secretary of
22 the Treasury shall submit an interim report to
23 the Committee on Education and Labor, the
24 Committee on Ways and Means, and the Com-
25 mittee on Energy and Commerce of the House

1 of Representatives and the Committee on
2 Health, Education, Labor, and Pensions and
3 the Committee on Finance of the Senate re-
4 garding the premium reduction provided under
5 this subsection that includes—

6 (i) the number of individuals provided
7 such assistance as of the date of the re-
8 port; and

9 (ii) the total amount of expenditures
10 incurred (with administrative expenditures
11 noted separately) in connection with such
12 assistance as of the date of the report.

13 (B) FINAL REPORT.—As soon as prac-
14 ticable after the last period of COBRA continu-
15 ation coverage for which premium reduction is
16 provided under this section, the Secretary of the
17 Treasury shall submit a final report to each
18 Committee referred to in subparagraph (A) that
19 includes—

20 (i) the number of individuals provided
21 premium reduction under this section;

22 (ii) the average dollar amount
23 (monthly and annually) of premium reduc-
24 tions provided to such individuals; and

1 (iii) the total amount of expenditures
2 incurred (with administrative expenditures
3 noted separately) in connection with pre-
4 mium reduction under this section.

5 (12) COBRA PREMIUM ASSISTANCE.—

6 (A) IN GENERAL.—Subchapter B of chap-
7 ter 65 of the Internal Revenue Code of 1986 is
8 amended by adding at the end the following
9 new section:

10 **“SEC. 6432. COBRA PREMIUM ASSISTANCE.**

11 “(a) IN GENERAL.—The person to whom premiums
12 are payable under COBRA continuation coverage shall be
13 reimbursed as provided in subsection (c) for the amount
14 of premiums not paid by assistance eligible individuals by
15 reason of section 70307 of the Take Responsibility for
16 Workers and Families Act.

17 “(b) PERSON ENTITLED TO REIMBURSEMENT.—For
18 purposes of subsection (a), except as otherwise provided
19 by the Secretary, the person to whom premiums are pay-
20 able under COBRA continuation coverage shall be treated
21 as being—

22 “(1) in the case of any group health plan which
23 is a multiemployer plan (as defined in section 3(37)
24 of the Employee Retirement Income Security Act of
25 1974), the plan,

1 “(2) in the case of any group health plan not
2 described in paragraph (1)—

3 “(A) which is subject to the COBRA con-
4 tinuation provisions contained in—

5 “(i) this title,

6 “(ii) the Employee Retirement Income
7 Security Act of 1974,

8 “(iii) the Public Health Service Act,

9 or

10 “(iv) title 5, United States Code, or

11 “(B) under which some or all of the cov-
12 erage is not provided by insurance,
13 the employer maintaining the plan, and

14 “(3) in the case of any group health plan not
15 described in paragraph (1) or (2), the insurer pro-
16 viding the coverage under the group health plan.

17 “(c) METHOD OF REIMBURSEMENT.—Except as oth-
18 erwise provided by the Secretary—

19 “(1) TREATMENT AS PAYMENT OF PAYROLL
20 TAXES.—Each person entitled to reimbursement
21 under subsection (a) (and filing a claim for such re-
22 imbursement at such time and in such manner as
23 the Secretary may require) shall be treated for pur-
24 poses of this title and section 1324(b)(2) of title 31,
25 United States Code, as having paid to the Secretary,

1 on the date that the assistance eligible individual's
2 premium payment is received, payroll taxes in an
3 amount equal to the portion of such reimbursement
4 which relates to such premium. To the extent that
5 the amount treated as paid under the preceding sen-
6 tence exceeds the amount of such person's liability
7 for such taxes, the Secretary shall credit or refund
8 such excess in the same manner as if it were an
9 overpayment of such taxes.

10 “(2) OVERSTATEMENTS.—Any overstatement of
11 the reimbursement to which a person is entitled
12 under this section (and any amount paid by the Sec-
13 retary as a result of such overstatement) shall be
14 treated as an underpayment of payroll taxes by such
15 person and may be assessed and collected by the
16 Secretary in the same manner as payroll taxes.

17 “(3) REIMBURSEMENT CONTINGENT ON PAY-
18 MENT OF REMAINING PREMIUM.—No reimbursement
19 may be made under this section to a person with re-
20 spect to any assistance eligible individual until after
21 the reduced premium required under section 70307
22 of such Act with respect to such individual has been
23 received.

24 “(d) DEFINITIONS.—For purposes of this section—

1 “(1) PAYROLL TAXES.—The term ‘payroll
2 taxes’ means—

3 “(A) amounts required to be deducted and
4 withheld for the payroll period under section
5 3402 (relating to wage withholding),

6 “(B) amounts required to be deducted for
7 the payroll period under section 3102 (relating
8 to FICA employee taxes), and

9 “(C) amounts of the taxes imposed for the
10 payroll period under section 3111 (relating to
11 FICA employer taxes).

12 “(2) PERSON.—The term ‘person’ includes any
13 governmental entity.

14 “(e) REPORTING.—Each person entitled to reim-
15 bursement under subsection (a) for any period shall sub-
16 mit such reports (at such time and in such manner) as
17 the Secretary may require, including—

18 “(1) an attestation of involuntary termination
19 of employment for each covered employee on the
20 basis of whose termination entitlement to reimburse-
21 ment is claimed under subsection (a),

22 “(2) a report of the amount of payroll taxes off-
23 set under subsection (a) for the reporting period and
24 the estimated offsets of such taxes for the subse-

1 quent reporting period in connection with reimburse-
2 ments under subsection (a), and

3 “(3) a report containing the TINs of all covered
4 employees, the amount of subsidy reimbursed with
5 respect to each covered employee and qualified bene-
6 ficiaries, and a designation with respect to each cov-
7 ered employee as to whether the subsidy reimburse-
8 ment is for coverage of 1 individual or 2 or more in-
9 dividuals.

10 “(f) REGULATIONS.—The Secretary shall issue such
11 regulations or other guidance as may be necessary or ap-
12 propriate to carry out this section, including—

13 “(1) the requirement to report information or
14 the establishment of other methods for verifying the
15 correct amounts of reimbursements under this sec-
16 tion, and

17 “(2) the application of this section to group
18 health plans that are multiemployer plans (as de-
19 fined in section 3(37) of the Employee Retirement
20 Income Security Act of 1974).”.

21 (B) SOCIAL SECURITY TRUST FUNDS HELD
22 HARMLESS.—In determining any amount trans-
23 ferred or appropriated to any fund under the
24 Social Security Act, section 6432 of the Inter-

1 nal Revenue Code of 1986 shall not be taken
2 into account.

3 (C) CLERICAL AMENDMENT.—The table of
4 sections for subchapter B of chapter 65 of the
5 Internal Revenue Code of 1986 is amended by
6 adding at the end the following new item:

“Sec. 6432. COBRA premium assistance.”.

7 (D) EFFECTIVE DATE.—The amendments
8 made by this paragraph shall apply to pre-
9 miums to which subsection (a)(1)(A) applies.

10 (E) SPECIAL RULE.—

11 (i) IN GENERAL.—In the case of an
12 assistance eligible individual who pays,
13 with respect to the first period of COBRA
14 continuation coverage to which subsection
15 (a)(1)(A) applies or the immediately subse-
16 quent period, the full premium amount for
17 such coverage, the person to whom such
18 payment is payable shall—

19 (I) make a reimbursement pay-
20 ment to such individual for the
21 amount of such premium paid in ex-
22 cess of the amount required to be paid
23 under subsection (a)(1)(A); or

24 (II) provide credit to the indi-
25 vidual for such amount in a manner

1 that reduces one or more subsequent
2 premium payments that the individual
3 is required to pay under such sub-
4 section for the coverage involved.

5 (ii) REIMBURSING EMPLOYER.—A
6 person to which clause (i) applies shall be
7 reimbursed as provided for in section 6432
8 of the Internal Revenue Code of 1986 for
9 any payment made, or credit provided, to
10 the employee under such clause.

11 (iii) PAYMENT OF CREDITS.—Unless
12 it is reasonable to believe that the credit
13 for the excess payment in clause (i)(II) will
14 be used by the assistance eligible individual
15 within 180 days of the date on which the
16 person receives from the individual the
17 payment of the full premium amount, a
18 person to which clause (i) applies shall
19 make the payment required under such
20 clause to the individual within 60 days of
21 such payment of the full premium amount.
22 If, as of any day within the 180-day pe-
23 riod, it is no longer reasonable to believe
24 that the credit will be used during that pe-
25 riod, payment equal to the remainder of

1 the credit outstanding shall be made to the
2 individual within 60 days of such day.

3 (13) PENALTY FOR FAILURE TO NOTIFY
4 HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR
5 PREMIUM ASSISTANCE.—

6 (A) IN GENERAL.—Part I of subchapter B
7 of chapter 68 of the Internal Revenue Code of
8 1986 is amended by adding at the end the fol-
9 lowing new section:

10 **“SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH**
11 **PLAN OF CESSATION OF ELIGIBILITY FOR**
12 **COBRA PREMIUM ASSISTANCE.**

13 “(a) IN GENERAL.—Any person required to notify a
14 group health plan under section 70307 of the Take Re-
15 sponsibility for Workers and Families Act who fails to
16 make such a notification at such time and in such manner
17 as the Secretary of Labor may require shall pay a penalty
18 of 110 percent of the premium reduction provided under
19 such section after termination of eligibility under such
20 subsection.

21 “(b) REASONABLE CAUSE EXCEPTION.—No penalty
22 shall be imposed under subsection (a) with respect to any
23 failure if it is shown that such failure is due to reasonable
24 cause and not to willful neglect.”.

1 (B) CLERICAL AMENDMENT.—The table of
2 sections of part I of subchapter B of chapter 68
3 of such Code is amended by adding at the end
4 the following new item:

“Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility
for COBRA premium assistance.”.

5 (14) COORDINATION WITH HCTC.—

6 (A) IN GENERAL.—Section 35(g)(9) of the
7 Internal Revenue Code of 1986 is amended to
8 read as follows:

9 “(9) COBRA PREMIUM ASSISTANCE.—In the
10 case of an assistance eligible individual who receives
11 premium reduction for COBRA continuation cov-
12 erage under section 70307 of the Take Responsi-
13 bility for Workers and Families Act for any month
14 during the taxable year, such individual shall not be
15 treated as an eligible individual, a certified indi-
16 vidual, or a qualifying family member for purposes
17 of this section or section 7527 with respect to such
18 month.”.

19 (B) EFFECTIVE DATE.—The amendment
20 made by subparagraph (A) shall apply to tax-
21 able years ending after the date of the enact-
22 ment of this Act.

23 (15) EXCLUSION OF COBRA PREMIUM ASSIST-
24 ANCE FROM GROSS INCOME.—

1 (A) IN GENERAL.—Part III of subchapter
2 B of chapter 1 of the Internal Revenue Code of
3 1986 is amended by inserting after section
4 139B the following new section:

5 **“SEC. 139I. COBRA PREMIUM ASSISTANCE.**

6 “In the case of an assistance eligible individual (as
7 defined in section 70307 of the Take Responsibility for
8 Workers and Families Act), gross income does not include
9 any premium reduction provided under subsection (a) of
10 such section.”.

11 (B) CLERICAL AMENDMENT.—The table of
12 sections for part III of subchapter B of chapter
13 1 of such Code is amended by inserting after
14 the item relating to section 139B the following
15 new item:

“Sec. 139I. COBRA premium assistance.”.

16 (C) EFFECTIVE DATE.—The amendments
17 made by this paragraph shall apply to taxable
18 years ending after the date of the enactment of
19 this Act.

20 (b) PRESERVING AFFORDABLE COVERAGE FOR FUR-
21 LOUGHED WORKERS.—

22 (1) IN GENERAL.—The Secretary of Labor, in
23 coordination with the Secretary of the Treasury,
24 shall establish a process whereby the premium as-
25 sistance under subsection (a) shall be available to an

1 individual who has been subject to a furlough at any
2 time during the emergency period described in sec-
3 tion 1135(g)(1)(B) of the Social Security Act (42
4 U.S.C. 1320b-5(g)(1)(B)).

5 (2) FURLOUGH DEFINED.—

6 (A) IN GENERAL.—In this subsection, the
7 term “furlough” means a temporary cessation
8 of work at the will of the employer during
9 which an individual remains employed and cov-
10 ered under a group health plan.

11 (B) GROUP HEALTH PLAN DEFINED.—In
12 this paragraph, the term “group health plan”
13 has the meaning given such term in section
14 607(1) of the Employee Retirement Income Se-
15 curity Act of 1974.

16 (3) TREATMENT WITH RESPECT TO INTERNAL
17 REVENUE CODE OF 1986.—For purposes of sections
18 6432, 6720C, 35(g)(9), and 139I of the Internal
19 Revenue Code of 1986, any premium assistance pro-
20 vided pursuant to any process established under this
21 subsection to individuals who have been subject to a
22 furlough shall be treated in the same manner as pre-
23 mium assistance for COBRA continuation coverage.

24 (c) ELIMINATION OF PREMIUM SUBSIDY FOR HIGH-
25 INCOME INDIVIDUALS.—

1 (1) RECAPTURE OF SUBSIDY FOR HIGH-INCOME
2 INDIVIDUALS.—If—

3 (A) premium assistance is provided under
4 this section with respect to any COBRA con-
5 tinuation coverage which covers the taxpayer,
6 the taxpayer's spouse, or any dependent (within
7 the meaning of section 152 of the Internal Rev-
8 enue Code of 1986, determined without regard
9 to subsections (b)(1), (b)(2), and (d)(1)(B)
10 thereof) of the taxpayer during any portion of
11 the taxable year, and

12 (B) the taxpayer's modified adjusted gross
13 income for such taxable year exceeds \$125,000
14 (\$250,000 in the case of a joint return),
15 then the tax imposed by chapter 1 of such Code with
16 respect to the taxpayer for such taxable year shall
17 be increased by the amount of such assistance.

18 (2) PHASE-IN OF RECAPTURE.—

19 (A) IN GENERAL.—In the case of a tax-
20 payer whose modified adjusted gross income for
21 the taxable year does not exceed \$145,000
22 (\$290,000 in the case of a joint return), the in-
23 crease in the tax imposed under paragraph (1)
24 shall not exceed the phase-in percentage of such

1 increase (determined without regard to this
2 paragraph).

3 (B) PHASE-IN PERCENTAGE.—For pur-
4 poses of this subsection, the term “phase-in
5 percentage” means the ratio (expressed as a
6 percentage) obtained by dividing—

7 (i) the excess of described in subpara-
8 graph (B) of paragraph (1), by

9 (ii) \$20,000 (\$40,000 in the case of a
10 joint return).

11 (3) OPTION FOR HIGH-INCOME INDIVIDUALS TO
12 WAIVE ASSISTANCE AND AVOID RECAPTURE.—Not-
13 withstanding subsection (a)(3), an individual shall
14 not be treated as an assistance eligible individual for
15 purposes of this section and section 6432 of the In-
16 ternal Revenue Code of 1986 if such individual—

17 (A) makes a permanent election (at such
18 time and in such form and manner as the Sec-
19 retary of the Treasury may prescribe) to waive
20 the right to the premium assistance provided
21 under this section, and

22 (B) notifies the entity to whom premiums
23 are reimbursed under section 6432(a) of such
24 Code of such election.

1 (4) MODIFIED ADJUSTED GROSS INCOME.—For
2 purposes of this subsection, the term “modified
3 gross income” means the adjusted gross income (as
4 defined in section 62 of the Internal Revenue Code
5 of 1986) of the taxpayer for the taxable year in-
6 creased by any amount excluded from gross income
7 under section 911, 931, or 933 of such Code.

8 (5) CREDITS NOT ALLOWED AGAINST TAX,
9 ETC.—For purposes determining regular tax liability
10 under section 26(b) of such Code, the increase in tax
11 under this subsection shall not be treated as a tax
12 imposed under chapter 1 of such Code.

13 (6) REGULATIONS.—The Secretary of the
14 Treasury shall issue such regulations or other guid-
15 ance as are necessary or appropriate to carry out
16 this subsection, including requirements that the enti-
17 ty to whom premiums are reimbursed under section
18 6432(a) of the Internal Revenue Code of 1986 re-
19 port to the Secretary, and to each assistance eligible
20 individual, the amount of premium assistance pro-
21 vided under subsection (a) with respect to each such
22 individual.

23 (7) EFFECTIVE DATE.—The provisions of this
24 subsection shall apply to taxable years ending after
25 the date of the enactment of this Act.

1 **SEC. 70308. RISK CORRIDOR PROGRAM.**

2 (a) IN GENERAL.—The Secretary of Health and
3 Human Services (in this section referred to as the “Sec-
4 retary”) shall establish and administer a program of risk
5 corridors for plan years 2020 and 2021 under which the
6 Secretary shall make payments to health insurance issuers
7 offering health insurance coverage in the individual or
8 small group market based on the ratio of the allowable
9 costs of the coverage to the aggregate premiums of the
10 coverage.

11 (b) PAYMENT METHODOLOGY.—The Secretary shall
12 provide under the program established under subsection
13 (a) that if the allowable costs for a health insurance issuer
14 offering health insurance coverage in the individual or
15 small group market for any plan year are more than 105
16 percent of the target amount, the Secretary shall pay to
17 the issuer an amount equal to 75 percent of the allowable
18 costs in excess of 105 percent of the target amount.

19 (c) INFORMATION COLLECTION.—The Secretary shall
20 establish a process under which information is collected
21 from health insurance issuers offering health insurance
22 coverage in the individual or small group market for pur-
23 poses of carrying out this section.

24 (d) DEFINITIONS.—

25 (1) ALLOWABLE COSTS.—

1 (A) IN GENERAL.—The amount of allow-
2 able costs of a health insurance issuer offering
3 health insurance coverage in the individual or
4 small group market for any year is an amount
5 equal to the total costs (other than administra-
6 tive costs) of such issuer in providing benefits
7 covered by such coverage.

8 (B) CERTAIN REDUCTIONS.—Allowable
9 costs shall reduced by any—

10 (i) risk adjustment payments received
11 under section 1341 of the Patient Protec-
12 tion and Affordable Care Act (42 U.S.C.
13 18061);

14 (ii) reinsurance payments received
15 pursuant to a waiver approved under sec-
16 tion 1332 of such Act (42 U.S.C. 18052);
17 and

18 (iii) payments received pursuant to
19 section 70304.

20 (2) ADDITIONAL TERMS.—For purposes of this
21 section, the terms “health insurance issuer”, “health
22 insurance coverage”, “individual market”, and
23 “small group market” have the meanings given such
24 terms in section 2791 of the Public Health Service
25 Act (42 U.S.C. 300gg–91).

1 (3) TARGET AMOUNT.—The target amount of
2 health insurance coverage offered in the individual
3 or small group market for any year is an amount
4 equal to the total premiums (including any premium
5 subsidies under any governmental program), reduced
6 by the administrative costs of the coverage.

7 (e) IMPLEMENTATION.—The Secretary of Health and
8 Human Services may implement the provisions of this sec-
9 tion by subregulatory guidance, program instruction, or
10 otherwise.

11 (f) APPROPRIATION.—There are appropriated, out of
12 any monies in the Treasury not otherwise obligated, such
13 sums as may be necessary to carry out this section.

14 **SEC. 70309. COVERAGE OF IN VITRO DIAGNOSTIC PROD-**
15 **UCTS.**

16 (a) IN GENERAL.—Section 6001 of division F of the
17 Families First Coronavirus Response Act (Public Law
18 116–127) is amended—

19 (1) by amending subsection (a)(1) to read as
20 follows:

21 “(1) Qualified in vitro diagnostic products and
22 the administration of such in vitro diagnostic prod-
23 ucts.”; and

24 (2) in subsection (d)—

1 (A) by striking “TERMS.—The terms” and
2 inserting the following: “TERMS.—In this sec-
3 tion:

4 “(1) HEALTH INSURANCE TERMS.—The
5 terms”; and

6 (B) by adding at the end the following:

7 “(2) QUALIFIED IN VITRO DIAGNOSTIC PROD-
8 UCT.—

9 “(A) The term ‘qualified in vitro diagnostic
10 product’ means an in vitro diagnostic product
11 (as defined in section 809.3(a) of title 21, Code
12 of Federal Regulations) for the detection of
13 SARS-CoV-2 or the diagnosis of the virus that
14 causes COVID-19 that is approved, cleared, or
15 authorized under section 510(k), 513, 515, or
16 564 of the Federal Food, Drug, and Cosmetic
17 Act (21 U.S.C. 360(k), 360c, 360e, and
18 360bbb-3).

19 “(B) Such term includes an in vitro diag-
20 nostic test that—

21 “(i) subject to subparagraph (C), is
22 developed and used in a laboratory cer-
23 tified to perform high-complexity testing
24 pursuant to section 353 of the Public

1 Health Service Act (42 U.S.C. 263a) and
2 with respect to which such laboratory—

3 “(I) validates prior to use for the
4 detection of SARS–CoV–2 or the di-
5 agnosis of the virus that causes
6 COVID–19, including by obtaining
7 confirmation of validation using an
8 assay authorized under section 564 of
9 the Federal Food, Drug, and Cos-
10 metic Act (21 U.S.C. 360bbb–3);

11 “(II) notifies the Secretary of
12 such use; and

13 “(III) includes a statement to-
14 gether with the results of the test that
15 reads: ‘This test has not been FDA
16 cleared or approved. This test has
17 been authorized by FDA under an
18 emergency use authorization for use
19 by authorized laboratories. This test
20 has been authorized only for the de-
21 tection of nucleic acid from SARS-
22 CoV-2, not for any other viruses or
23 pathogens’;

24 “(ii) is developed and used in a lab-
25 oratory certified to perform high-com-

1 plexity testing pursuant to section 353 of
2 the Public Health Service Act (42 U.S.C.
3 263a) and such laboratory—

4 “(I) is operating under an au-
5 thorization of the State (as defined in
6 section 2 of the Public Health Service
7 Act (42 U.S.C. 201)) in which such
8 laboratory is located and such State
9 has notified the Secretary of its inten-
10 tion to review tests intended to diag-
11 nose SARS-CoV-2 or diagnose the
12 virus that causes COVID-19 to be
13 used in such State;

14 “(II) has notified the Secretary
15 of such use for such purpose in such
16 State; and

17 “(III) includes a statement to-
18 gether with the results of the test that
19 reads: ‘This test was developed for use
20 as a part of a response to the public
21 health emergency declared to address
22 the outbreak of COVID-19. This test
23 has not been reviewed by the Food
24 and Drug Administration’; or

1 “(iii) is developed by a commercial
2 test manufacturer that, with respect to
3 such test—

4 “(I) validates such test prior to
5 use to detect SARS-CoV-2 or diag-
6 nose the virus that causes COVID-19,
7 including by obtaining confirmation of
8 validation using an assay authorized
9 under section 564 of the Federal
10 Food, Drug, and Cosmetic Act (21
11 U.S.C. 360bbb-3);

12 “(II) notifies the Secretary of
13 such use; and

14 “(III) includes a statement to-
15 gether with the results of the test that
16 reads: ‘This test has not been FDA
17 cleared or approved. This test has
18 been authorized by FDA under an
19 emergency use authorization for use
20 by authorized laboratories. This test
21 has been authorized only for the de-
22 tection of nucleic acid from SARS-
23 CoV-2, not for any other viruses or
24 pathogens’.

1 “(C) Such term shall not include a test de-
2 scribed in clause (i) or (iii) of subparagraph (B)
3 if—

4 “(i) the emergency use authorization
5 request submitted by a laboratory or man-
6 ufacturer described in such respective
7 clause with respect to such test has been
8 denied; or

9 “(ii) such laboratory or manufacturer
10 does not submit such a request within 15
11 business days of the notification under
12 subclause (II) of such respective subpara-
13 graph.”.

14 (b) CONFORMING AMENDMENT.—Subparagraph (B)
15 of section 1905(a)(3) of the Social Security Act (42
16 U.S.C. 1396d(a)(3)), as added by section 6004(a)(1) of
17 division F of the Families First Coronavirus Response
18 Act) is amended to read as follows:

19 “(B) qualified in vitro diagnostic products
20 (as defined in section 6001(d) of division F of
21 the Families First Coronavirus Response Act)
22 and the administration of such in vitro diag-
23 nostic products;”.

1 **SEC. 70310. SENSE OF CONGRESS REGARDING SURPRISE**
2 **MEDICAL BILLS.**

3 (a) FINDINGS.—Congress finds the following:

4 (1) Surprise medical bills can be financially dev-
5 astating for consumers.

6 (2) Surprise medical bills are often unavoidable
7 and occur in situations where consumers have no
8 ability to reasonably choose an in-network provider
9 or insurance company networks are too narrow for
10 consumers to be able to access seamless in-network
11 care.

12 (3) Consumers and their financial stability
13 should not be caught in the middle between insur-
14 ance companies and health care providers.

15 (4) It is imperative that Congress enacts a com-
16 prehensive, long-term solution to protect consumers
17 and end surprise medical billing.

18 (5) During the COVID-19 pandemic, con-
19 sumers across the country will increasingly require
20 emergency or unanticipated health care services and
21 at the same time may have limited access to in-net-
22 work providers due to the increased demand on the
23 health care system and it is critical that they are not
24 deterred from seeking care due to the threat of a
25 surprise medical bill.

1 (6) The virus is now spreading faster in the
2 United States than anywhere else in the world and
3 experts indicate that day by day, more hospital beds
4 will be full, more resources will be depleted, and the
5 virus will claim more lives.

6 (b) SENSE OF CONGRESS.—It is the sense of the
7 Congress that, during the COVID-19 pandemic—

8 (1) health care providers should refrain from
9 balance billing consumers for out-of-network claims
10 related to COVID-19 testing or treatment and insur-
11 ance companies should do their utmost to secure ac-
12 cess to in-network treatment for their plan partici-
13 pants, including providing adequate reimbursement
14 rates for services; and

15 (2) consumers' cost-sharing should be limited to
16 what they would have paid if the providers testing
17 or treating them for COVID-19 were in-network for
18 their insurance plan.

19 **TITLE IV—PROVISIONS RELAT-**
20 **ING TO OLDER AMERICANS**
21 **ACT OF 1965**

22 **SEC. 70401. COMBATING HUNGER FOR OLDER AMERICANS**
23 **DURING CORONAVIRUS CRISIS.**

24 (a) HOME DELIVERED NUTRITION SERVICES CRI-
25 TERIA APPLICABLE UNDER THE OLDER AMERICANS ACT

1 OF 1965 DURING FISCAL YEAR 2020 TO RESPOND TO
2 THE COVID-19 PUBLIC HEALTH EMERGENCY.—For
3 purposes of State agencies determining the delivery of nu-
4 trition services under subpart 2 of part C of title III of
5 the Older Americans Act of 1965 (42 U.S.C. 3030f et
6 seq.), during the portion of COVID-19 public health emer-
7 gency declared under section 319 of the Public Health
8 Service Act (42 U.S.C. 247d) that occurs in the period
9 beginning on the date of the enactment of this Act and
10 ending on September 30, 2020, the State agencies shall
11 include among individuals receiving delivery because they
12 are homebound an individual age 60 and older, or an indi-
13 vidual with a disability (of any age), who is unable to ob-
14 tain nutrition because the individual is under a quar-
15 antine, practicing social distancing, or otherwise unable to
16 leave home, due to the emergency.

17 (b) CONGREGATE NUTRITION SERVICES CRITERIA
18 APPLICABLE UNDER THE OLDER AMERICANS ACT OF
19 1965 DURING FISCAL YEAR 2020 TO RESPOND TO THE
20 COVID-19 PUBLIC HEALTH EMERGENCY.— If a State
21 demonstrates, to the satisfaction of the Assistant Sec-
22 retary (as defined in section 102 of the Older Americans
23 Act of 1965 (42 U.S.C.3002), that funds received by the
24 State and attributable to funds appropriated under para-
25 graph (1) or (2) of section 303(b) of the Older Americans

1 Act of 1965 (42 U.S.C. 3023(b)), including funds trans-
2 ferred under subparagraph (A) of paragraph (4) of such
3 section without regard to the exception referring to sub-
4 paragraph (B) specified in such subparagraph (A), for fis-
5 cal year 2020 are insufficient to satisfy the need for serv-
6 ices under subpart I or subpart II of part C of title III
7 of the Older Americans Act of 1965 (42 U.S.C. 3030d-
8 2 et seq.) in fiscal year 2020 during the COVID-19 public
9 health emergency declared under section 319 of the Public
10 Health Service Act (42 U.S.C. 247d), the Assistant Sec-
11 retary shall allow State and area agencies on aging, with-
12 out prior approval, to transfer up to 100 percent of the
13 funds so received between subpart 1 and subpart 2 of such
14 part C for use the State or area agency on aging considers
15 appropriate to meet the needs of the area served.

16 (c) WAIVER.—To facilitate implementation of sub-
17 parts 1 and 2 of part C of title III of the Older Americans
18 Act of 1965 (42 U.S.C. 3030e et seq.) during any portion
19 of the COVID-19 public health emergency declared under
20 section 319 of the Public Health Service Act (42 U.S.C.
21 247d) that occurs in the period beginning on the date of
22 the enactment of this Act and ending on September 30,
23 2020, the Assistant Secretary for Aging may waive the
24 requirements for emergency meals to comply with the re-
25 quirements of clauses (i) and (ii) of section 339(2)(A) of

1 the Older Americans Act of 1965 (42 U.S.C. 3030g–
2 21(2)(A)).

3 **SEC. 70402. ACCESS OF THE STATE LONG-TERM CARE OM-**
4 **BUDSMAN TO RESIDENTS OF LONG-TERM**
5 **CARE FACILITIES DURING THE COVID-19 PUB-**
6 **LIC HEALTH EMERGENCY IN FISCAL YEAR**
7 **2020.**

8 During any portion of the COVID-19 public health
9 emergency declared under section 319 of the Public
10 Health Service Act (42 U.S.C. 247d) that occurs in the
11 period beginning on the date of the enactment of this Act
12 and ending on September 30, 2020, the State Long-Term
13 Care Ombudsman shall have continuing direct access (or
14 other access through the use of technology to the greatest
15 extent practicable) to residents of long-term care facilities
16 to provide the services described in section 712(a)(3)(B)
17 of the Older Americans Act of 1965 (42 U.S.C.
18 3058h(a)(3)(B)).

19 **SEC. 70403. CONTINUITY OF SERVICE AND OPPORTUNITIES**
20 **FOR PARTICIPANTS IN COMMUNITY SERVICE**
21 **ACTIVITIES UNDER TITLE V OF THE OF THE**
22 **OLDER AMERICANS ACT OF 1965.**

23 To ensure continuity of service and opportunities for
24 participants in community service activities under title V

1 of the of the Older Americans Act of 1965 (42 U.S.C.
2 3056–3056p), the Secretary of Labor—

3 (1)(A) may allow for individuals participating
4 in such activities as of March 1, 2020, to extend
5 their participation for a period that exceeds the pe-
6 riod described in section 518(a)(3)(B)(i) of such Act
7 if the Secretary determines such extension is appro-
8 priate due to the effects of the COVID-19 public
9 heath emergency declared under section 319 of the
10 Public Health Service Act (42 U.S.C. 247d), and

11 (B) may extend the average participation cap
12 for eligible individuals applicable to grantees under
13 section 502(b)(1)(C) of such Act to a cap the Sec-
14 retary determines is appropriate due to the effects of
15 the COVID-19 public heath emergency declared
16 under section 319 of the Public Health Service Act
17 (42 U.S.C. 247d), and

18 (2) may increase the amount available to pay
19 the authorized administrative costs to an amount
20 not to exceed 20 percent of the grant amount if the
21 Secretary determines that such increase is necessary
22 to adequately respond to the additional administra-
23 tive needs to respond to the COVID-19 public health
24 emergency declared under section 319 of the Public
25 Health Service Act (42 U.S.C. 247d).

1 **TITLE V—PUBLIC HEALTH**
2 **POLICIES**
3 **Subtitle A—Improving Public**
4 **Health and Medical Response**

5 **SEC. 70501. REIMBURSEMENT FOR ADDITIONAL HEALTH**
6 **SERVICES RELATING TO CORONAVIRUS.**

7 Title V of division A of the Families First
8 Coronavirus Response Act (Public Law 116–127) is
9 amended under the heading “Department of Health and
10 Human Services—Office of the Secretary—Public Health
11 and Social Services Emergency Fund” is amended by in-
12 serting “, or treatment related to SARS–CoV–2 or
13 COVID–19 for uninsured individuals” after “or visits de-
14 scribed in paragraph (2) of such section for uninsured in-
15 dividuals”.

16 **SEC. 70502. PUBLIC HEALTH DATA SYSTEM TRANS-**
17 **FORMATION.**

18 Subtitle C of title XXVIII of the Public Health Serv-
19 ice Act (42 U.S.C. 300hh–31 et seq.) is amended by add-
20 ing at the end the following:

21 **“SEC. 2822. PUBLIC HEALTH DATA SYSTEM TRANS-**
22 **FORMATION.**

23 “(a) **EXPANDING CDC AND PUBLIC HEALTH DE-**
24 **PARTMENT CAPABILITIES.—**

1 “(1) IN GENERAL.—The Secretary, acting
2 through the Director of the Centers for Disease
3 Control and Prevention, shall—

4 “(A) conduct activities to expand, enhance,
5 and improve applicable public health data sys-
6 tems used by the Centers for Disease Control
7 and Prevention, related to the interoperability
8 and improvement of such systems (including as
9 it relates to preparedness for, prevention and
10 detection of, and response to public health
11 emergencies); and

12 “(B) award grants or cooperative agree-
13 ments to State, local, Tribal, or territorial pub-
14 lic health departments for the expansion and
15 modernization of public health data systems, to
16 assist public health departments in—

17 “(i) assessing current data infrastruc-
18 ture capabilities and gaps to improve and
19 increase consistency in data collection,
20 storage, analysis and, as appropriate, to
21 improve dissemination of public health-re-
22 lated information;

23 “(ii) improving secure public health
24 data collection, transmission, exchange,
25 maintenance, and analysis;

1 “(iii) improving the secure exchange
2 of data between the Centers for Disease
3 Control and Prevention, State, local, Trib-
4 al, and territorial public health depart-
5 ments, public health organizations, and
6 health care providers, including by public
7 health officials in multiple jurisdictions
8 within such State, as appropriate, and by
9 simplifying and supporting reporting by
10 health care providers, as applicable, pursu-
11 ant to State law, including through the use
12 of health information technology;

13 “(iv) enhancing the interoperability of
14 public health data systems (including sys-
15 tems created or accessed by public health
16 departments) with health information tech-
17 nology, including with health information
18 technology certified under section
19 3001(c)(5);

20 “(v) supporting and training data sys-
21 tems, data science, and informatics per-
22 sonnel;

23 “(vi) supporting earlier disease and
24 health condition detection, such as through

1 near real-time data monitoring, to support
2 rapid public health responses;

3 “(vii) supporting activities within the
4 applicable jurisdiction related to the expan-
5 sion and modernization of electronic case
6 reporting; and

7 “(viii) developing and disseminating
8 information related to the use and impor-
9 tance of public health data.

10 “(2) DATA STANDARDS.—In carrying out para-
11 graph (1), the Secretary, acting through the Direc-
12 tor of the Centers for Disease Control and Preven-
13 tion, shall, as appropriate and in consultation with
14 the Office of the National Coordinator for Health
15 Information Technology, designate data and tech-
16 nology standards (including standards for interoper-
17 ability) for public health data systems, with def-
18 erence given to standards published by consensus-
19 based standards development organizations with
20 public input and voluntary consensus-based stand-
21 ards bodies.

22 “(3) PUBLIC-PRIVATE PARTNERSHIPS.—The
23 Secretary may develop and utilize public-private
24 partnerships for technical assistance, training, and
25 related implementation support for State, local,

1 Tribal, and territorial public health departments,
2 and the Centers for Disease Control and Prevention,
3 on the expansion and modernization of electronic
4 case reporting and public health data systems, as
5 applicable.

6 “(b) REQUIREMENTS.—

7 “(1) HEALTH INFORMATION TECHNOLOGY
8 STANDARDS.—The Secretary may not award a grant
9 or cooperative agreement under subsection (a)(1)(B)
10 unless the applicant uses or agrees to use standards
11 endorsed by the National Coordinator for Health In-
12 formation Technology pursuant to section
13 3001(e)(1) or adopted by the Secretary under sec-
14 tion 3004.

15 “(2) WAIVER.—The Secretary may waive the
16 requirement under paragraph (1) with respect to an
17 applicant if the Secretary determines that the activi-
18 ties under subsection (a)(1)(B) cannot otherwise be
19 carried out within the applicable jurisdiction.

20 “(3) APPLICATION.—A State, local, Tribal, or
21 territorial health department applying for a grant or
22 cooperative agreement under this section shall sub-
23 mit an application to the Secretary at such time and
24 in such manner as the Secretary may require. Such
25 application shall include information describing—

1 “(A) the activities that will be supported
2 by the grant or cooperative agreement; and

3 “(B) how the modernization of the public
4 health data systems involved will support or im-
5 pact the public health infrastructure of the
6 health department, including a description of
7 remaining gaps, if any, and the actions needed
8 to address such gaps.

9 “(c) STRATEGY AND IMPLEMENTATION PLAN.—Not
10 later than 180 days after the date of enactment of this
11 section, the Secretary, acting through the Director of the
12 Centers for Disease Control and Prevention, shall submit
13 to the Committee on Health, Education, Labor, and Pen-
14 sions of the Senate and the Committee on Energy and
15 Commerce of the House of Representatives a coordinated
16 strategy and an accompanying implementation plan that
17 identifies and demonstrates the measures the Secretary
18 will utilize to—

19 “(1) update and improve applicable public
20 health data systems used by the Centers for Disease
21 Control and Prevention; and

22 “(2) carry out the activities described in this
23 section to support the improvement of State, local,
24 Tribal, and territorial public health data systems.

1 “(d) CONSULTATION.—The Secretary, acting
2 through the Director of the Centers for Disease Control
3 and Prevention, shall consult with State, local, Tribal, and
4 territorial health departments, professional medical and
5 public health associations, associations representing hos-
6 pitals or other health care entities, health information
7 technology experts, and other appropriate public or private
8 entities regarding the plan and grant program to mod-
9 ernize public health data systems pursuant to this section.
10 Activities under this subsection may include the provision
11 of technical assistance and training related to the ex-
12 change of information by such public health data systems
13 used by relevant health care and public health entities at
14 the local, State, Federal, Tribal, and territorial levels, and
15 the development and utilization of public-private partner-
16 ships for implementation support applicable to this sec-
17 tion.

18 “(e) REPORT TO CONGRESS.—Not later than 1 year
19 after the date of enactment of this section, the Secretary
20 shall submit a report to the Committee on Health, Edu-
21 cation, Labor, and Pensions of the Senate and the Com-
22 mittee on Energy and Commerce of the House of Rep-
23 resentatives that includes—

24 “(1) a description of any barriers to—

1 “(A) public health authorities imple-
2 menting interoperable public health data sys-
3 tems and electronic case reporting;

4 “(B) the exchange of information pursuant
5 to electronic case reporting; or

6 “(C) reporting by health care providers
7 using such public health data systems, as ap-
8 propriate, and pursuant to State law;

9 “(2) an assessment of the potential public
10 health impact of implementing electronic case re-
11 porting and interoperable public health data sys-
12 tems; and

13 “(3) a description of the activities carried out
14 pursuant to this section.

15 “(f) ELECTRONIC CASE REPORTING.—In this sec-
16 tion, the term ‘electronic case reporting’ means the auto-
17 mated identification, generation, and bilateral exchange of
18 reports of health events among electronic health record or
19 health information technology systems and public health
20 authorities.

21 “(g) AUTHORIZATION OF APPROPRIATIONS.—To
22 carry out this section, there are authorized to be appro-
23 priated \$100,000,000 for each of fiscal years 2021
24 through 2025.”.

1 **SEC. 70503. REPORTING ON COVID-19 TESTING AND RE-**
2 **SULTS.**

3 State and local governments, laboratories, and health
4 systems receiving funds or assistance pursuant to division
5 A of the Families First Coronavirus Response Act (Public
6 Law 116–127) or pursuant to division A of this Act shall
7 ensure that—

8 (1) the respective State Emergency Operations
9 Center and State and local public health depart-
10 ments, receive regular and real-time reporting on
11 data, in a timely manner, on testing and results, in-
12 cluding positive and negative laboratory results, as
13 well as reporting on cases and severe outcomes re-
14 sulting from COVID-19, as determined by the Direc-
15 tor of the Centers for Disease Control and Preven-
16 tion; and

17 (2) such data is transmitted in a regular and
18 timely manner to the Centers for Disease Control
19 and Prevention.

20 **SEC. 70504. CENTERS FOR DISEASE CONTROL AND PREVEN-**
21 **TION COVID-19 RESPONSE LINE.**

22 (a) IN GENERAL.—During the public health emer-
23 gency declared by the Secretary of Health and Human
24 Services pursuant to section 319 of the Public Health
25 Service Act (42 U.S.C. 247d) on January 31, 2020 with
26 respect to COVID-19, the Secretary, acting through the

1 Director of the Centers for Disease Control and Preven-
2 tion, shall maintain a toll-free telephone number to ad-
3 dress public health queries, including questions concerning
4 COVID-19.

5 (b) AUTHORIZATION OF APPROPRIATIONS.—To carry
6 out this section, there is authorized to be appropriated
7 \$10,000,000, to remain available until expended.

8 **SEC. 70505. AWARENESS CAMPAIGN.**

9 The Secretary of Health and Human Services, acting
10 through the Director of the Centers for Disease Control
11 and Prevention and in coordination with other offices and
12 agencies, as appropriate, shall award competitive grants
13 or contracts to one or more public or private entities to
14 carry out a national campaign, based on available sci-
15 entific evidence, to increase awareness and knowledge of
16 COVID-19, including countering stigma associated with
17 COVID-19 and improving information on the availability
18 of diagnostic testing and other related services at commu-
19 nity health centers.

20 **SEC. 70506. ADDITIONAL FUNDING FOR MEDICAL RESERVE**
21 **CORPS.**

22 Section 2813 of the Public Health Service Act (42
23 U.S.C. 300hh–15) is amended by striking “\$11,200,000
24 for each of fiscal years 2019 through 2023” and inserting

1 “\$31,200,000 for each of fiscal years 2020 and 2021 and
2 \$11,200,000 for each of fiscal years 2022 and 2023”.

3 **SEC. 70507. FLEXIBILITY FOR MEMBERS OF NATIONAL**
4 **HEALTH SERVICE CORPS DURING EMER-**
5 **GENCY PERIOD.**

6 Subsection (a) of section 333 of the Public Health
7 Service Act (42 U.S.C. 254f) is amended by adding at the
8 end the following new paragraph:

9 “(4) During an emergency period (as defined in
10 section 1135(g)(1) of the Social Security Act, the
11 Secretary may, notwithstanding this subpart and
12 subpart III, assign members of the Corps to provide
13 such health services at such places and for such
14 number of hours as the Secretary determines nec-
15 essary to respond to the emergency, provided that—

16 “(A) the members voluntarily agree to
17 such assignment and hours;

18 “(B) the places to which such members are
19 assigned are within a reasonable distance of the
20 places to which the respective members were as-
21 signed or were to be assigned absent a waiver
22 under this paragraph; and

23 “(C) the minimum number of hours re-
24 quired are the same as were required prior to
25 the date of enactment of this paragraph.”.

1 **SEC. 70508. READY RESERVE CORPS.**

2 (a) COMMISSIONED CORPS AND READY RESERVE
3 CORPS.—Section 203 of the Public Health Service Act (42
4 U.S.C. 204) is amended—

5 (1) in subsection (a)(1), by striking “ a Ready
6 Reserve Corps for service in time of national emer-
7 gency” and inserting “, for service in time of a pub-
8 lic health or national emergency, a Ready Reserve
9 Corps”; and

10 (2) in subsection (c)—

11 (A) in the heading, by striking “RE-
12 SEARCH” and inserting “RESERVE CORPS”;

13 (B) in paragraph (1), by inserting “during
14 public health or national emergencies” before
15 the period;

16 (C) in paragraph (2)—

17 (i) in the matter preceding subpara-
18 graph (A), by inserting “, consistent with
19 paragraph (1)” after “shall”;

20 (ii) in subparagraph (C), by inserting
21 “during such emergencies” after “mem-
22 bers”; and

23 (iii) in subparagraph (D), by inserting
24 “, consistent with subparagraph (C)” be-
25 fore the period; and

26 (D) by adding at the end the following:

1 “(3) STATUTORY REFERENCES TO RESERVE.—

2 A reference in any Federal statute, except in the
3 case of subsection (b), to the ‘Reserve Corps’ of the
4 Public Health Service or to the ‘reserve’ of the Pub-
5 lic Health Service shall be deemed to be a reference
6 to the Ready Reserve Corps.”.

7 (b) DEPLOYMENT READINESS.—Section
8 203A(a)(1)(B) of the Public Health Service Act (42
9 U.S.C. 204a(a)(1)(B)) is amended by striking “Active Re-
10 serves” and inserting “Ready Reserve Corps”.

11 (c) RETIREMENT OF COMMISSIONED OFFICERS.—
12 Section 211 of the Public Health Service Act (42 U.S.C.
13 212) is amended—

14 (1) by striking “(in the case of an officer in the
15 Reserve Corps)” each place it appears;

16 (2) by striking “the Service” each place it ap-
17 pears and inserting “the Regular Corps”;

18 (3) in subsection (c)—

19 (A) in paragraph (1)—

20 (i) by striking “or an officer of the
21 Reserve Corps”; and

22 (ii) by inserting “or under section
23 221(a)(19)” after “subsection (a)”; and

1 (B) in paragraph (2), by striking “Regular
2 or Reserve Corps” and inserting “Regular
3 Corps or Ready Reserve Corps”; and

4 (4) in subsection (f), by striking “the Regular
5 or Reserve Corps of”.

6 (d) RIGHTS, PRIVILEGES, ETC. OF OFFICERS AND
7 SURVIVING BENEFICIARIES.—Section 221 of the Public
8 Health Service Act (42 U.S.C. 213a) is amended—

9 (1) in subsection (a), by adding at the end the
10 following:

11 “(19) Chapter 1223, Retired Pay for Non-Reg-
12 ular Service.

13 “(20) Section 12601, Compensation: Reserve on
14 active duty accepting from any person.

15 “(21) Section 12684, Reserves: separation for
16 absence without authority or sentence to imprison-
17 ment.”; and

18 (2) in subsection (b)—

19 (A) by striking “Secretary of Health, Edu-
20 cation, and Welfare or his designee” and insert-
21 ing “Secretary of Health and Human Services
22 or the designee of such secretary”;

23 (B) by striking “(b) The authority vested”
24 and inserting the following:

25 “(b)(1) The authority vested”;

1 (C) by striking “For purposes of” and in-
2 serting the following:

3 “(2) For purposes of”; and

4 (D) by adding at the end the following:

5 “(3) For purposes of paragraph (19) of subsection
6 (a), the terms ‘Military department’, ‘Secretary con-
7 cerned’, and ‘Armed forces’ in such title 10 shall be
8 deemed to include, respectively, the Department of Health
9 and Human Services, the Secretary of Health and Human
10 Services, and the Commissioned Corps.”.

11 **SEC. 70509. LIMITATION ON LIABILITY FOR VOLUNTEER**
12 **HEALTH CARE PROFESSIONALS DURING**
13 **COVID-19 EMERGENCY RESPONSE.**

14 (a) **LIMITATION ON LIABILITY.**—Except as provided
15 in subsection (b), a health care professional shall not be
16 liable under Federal or State law for any harm caused
17 by an act or omission of the professional in the provision
18 of health care services during the public health emergency
19 with respect to COVID–19 declared by the Secretary of
20 Health and Human Services (referred to in this section
21 as the “Secretary”) pursuant to section 319 of the Public
22 Health Service Act (42 U.S.C. 247d) on January 31,
23 2020, if—

1 (1) the professional is providing health care
2 services in response to such public health emergency,
3 as a volunteer; and

4 (2) the act or omission occurs—

5 (A) in the course of providing health care
6 services;

7 (B) in the health care professional's capac-
8 ity as a volunteer;

9 (C) in the course of providing health care
10 services that are within the scope of the license,
11 registration, or certification of the volunteer, as
12 defined by the State of licensure, registration,
13 or certification; and

14 (D) in a good faith belief that the indi-
15 vidual being treated is in need of health care
16 services.

17 (b) EXCEPTIONS.—Subsection (a) does not apply if—

18 (1) the harm was caused by an act or omission
19 constituting willful or criminal misconduct, gross
20 negligence, reckless misconduct, or a conscious fla-
21 grant indifference to the rights or safety of the indi-
22 vidual harmed by the health care professional; or

23 (2) the health care professional rendered the
24 health care services under the influence (as deter-

1 mined pursuant to applicable State law) of alcohol
2 or an intoxicating drug.

3 (c) PREEMPTION.—

4 (1) IN GENERAL.—This section preempts the
5 laws of a State or any political subdivision of a State
6 to the extent that such laws are inconsistent with
7 this section, unless such laws provide greater protec-
8 tion from liability.

9 (2) VOLUNTEER PROTECTION ACT.—Protec-
10 tions afforded by this section are in addition to those
11 provided by the Volunteer Protection Act of 1997
12 (Public Law 105–19).

13 (d) DEFINITIONS.—In this section—

14 (1) the term “harm” includes physical, non-
15 physical, economic, and noneconomic losses;

16 (2) the term “health care professional” means
17 an individual who is licensed, registered, or certified
18 under Federal or State law to provide health care
19 services;

20 (3) the term “health care services” means any
21 services provided by a health care professional, or by
22 any individual working under the supervision of a
23 health care professional that relate to—

24 (A) the diagnosis, prevention, or treatment
25 of COVID-19; or

1 (B) the assessment or care of the health of
2 a human being for COVID-19; and

3 (4) the term “volunteer” means a health care
4 professional who, with respect to the health care
5 services rendered, does not receive compensation or
6 any other thing of value in lieu of compensation,
7 which compensation—

8 (A) includes a payment under any insur-
9 ance policy or health plan, or under any Fed-
10 eral or State health benefits program; and

11 (B) excludes receipt of items to be used ex-
12 clusively for rendering health care services in
13 the health care professional’s capacity as a vol-
14 unteer described in subsection (a)(1) and ex-
15 cludes any reimbursement for travel to the site
16 where the volunteer services are being rendered
17 and any payments in cash or kind to cover
18 room and board, if services are being rendered
19 more than 75 miles from the volunteer’s prin-
20 cipal place of residence.

21 (e) APPLICABILITY.—This section applies only with
22 respect to a claim for a harm caused by an act or omission
23 occurring—

24 (1) on or after the date of enactment of this
25 Act; and

1 (2) during the period of the public health emer-
2 gency declared by the Secretary of Health and
3 Human Services pursuant to section 319 of the Pub-
4 lic Health Service Act (42 U.S.C. 247d) on January
5 31, 2020 with respect to COVID-19.

6 **Subtitle B—Tribal Health**

7 **SEC. 70521. IMPROVING STATE, LOCAL, AND TRIBAL PUB-** 8 **LIC HEALTH SECURITY.**

9 Section 319C–1 of the Public Health Service Act (42
10 U.S.C. 247d–3a) is amended—

11 (1) in the section heading, by striking “**AND**
12 **LOCAL**” and inserting “, **LOCAL, AND TRIBAL**”;

13 (2) in subsection (b)—

14 (A) in paragraph (1)—

15 (i) in subparagraph (B), by striking
16 “or” at the end;

17 (ii) in subparagraph (C), by striking
18 “and” at the end and inserting “or”; and

19 (iii) by adding at the end the fol-
20 lowing:

21 “(D) be an Indian tribe, tribal organiza-
22 tion, or a consortium of Indian tribes or tribal
23 organizations; and”;

24 (B) in paragraph (2)—

- 1 (i) in the matter preceding subpara-
2 graph (A), by inserting “, as applicable”
3 after “including”;
- 4 (ii) in subparagraph (A)(viii)—
- 5 (I) by inserting “and tribal”
6 after “with State”;
- 7 (II) by striking “(as defined in
8 section 8101 of the Elementary and
9 Secondary Education Act of 1965)”
10 and inserting “and tribal educational
11 agencies (as defined in sections 8101
12 and 6132, respectively, of the Elemen-
13 tary and Secondary Education Act of
14 1965)”;
- 15 (III) by inserting “and tribal”
16 after “and State”;
- 17 (iii) in subparagraph (G), by striking
18 “and tribal” and inserting “tribal, and
19 urban Indian organization”; and
- 20 (iv) in subparagraph (H), by inserting
21 “, Indian tribes, and urban Indian organi-
22 zations” after “public health”;
- 23 (3) in subsection (e), by inserting “Indian
24 tribes, tribal organizations, urban Indian organiza-
25 tions,” after “local emergency plans,”;

1 (4) in subsection (h)—

2 (A) in paragraph (1)(A)—

3 (i) by striking “through 2023” and
4 inserting “and 2020”; and

5 (ii) by inserting before the period “;
6 and \$690,000,000 for each of fiscal years
7 2021 through 2023 for awards pursuant to
8 paragraph (3) (subject to the authority of
9 the Secretary to make awards pursuant to
10 paragraphs (4) and (5)) and paragraph
11 (8), of which not less than \$5,000,000
12 shall be reserved each fiscal year for
13 awards under paragraph (8)”;

14 (B) in the heading of paragraph (3), by in-
15 serting “FOR STATES” after “AMOUNT”; and

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

17 “(8) TRIBAL ELIGIBLE ENTITIES.—

18 “(A) DETERMINATION OF FUNDING
19 AMOUNT.—

20 “(i) IN GENERAL.—The Secretary
21 shall award at least 10 cooperative agree-
22 ments under this section, in amounts not
23 less than the minimum amount determined
24 under clause (ii), to eligible entities de-
25 scribed in subsection (b)(1)(D) that sub-

1 mits to the Secretary an application that
2 meets the criteria of the Secretary for the
3 receipt of such an award and that meets
4 other reasonable implementation conditions
5 established by the Secretary, in consulta-
6 tion with Indian tribes, for such awards. If
7 the Secretary receives more than 10 appli-
8 cations under this section from eligible en-
9 tities described in subsection (b)(1)(D)
10 that meet the criteria and conditions de-
11 scribed in the previous sentence, the Sec-
12 retary, in consultation with Indian tribes,
13 may make additional awards under this
14 section to such entities.

15 “(ii) MINIMUM AMOUNT.—In deter-
16 mining the minimum amount of an award
17 pursuant to clause (i), the Secretary, in
18 consultation with Indian tribes, shall first
19 determine an amount the Secretary con-
20 siders appropriate for the eligible entity.

21 “(B) AVAILABLE UNTIL EXPENDED.—
22 Amounts provided to a tribal eligible entity
23 under a cooperative agreement under this sec-
24 tion for a fiscal year and remaining unobligated
25 at the end of such year shall remain available

1 to such entity during the entirety of the per-
2 formance period, for the purposes for which
3 said funds were provided.

4 “(C) NO MATCHING REQUIREMENT.—Sub-
5 paragraphs (B), (C), and (D) of paragraph (1)
6 shall not apply with respect to cooperative
7 agreements awarded under this section to eligi-
8 ble entities described in subsection (b)(1)(D).”;
9 and

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

11 “(1) SPECIAL RULES RELATED TO TRIBAL ELIGIBLE
12 ENTITIES.—

13 “(1) MODIFICATIONS.—After consultation with
14 Indian tribes, the Secretary may make necessary
15 and appropriate modifications to the program under
16 this section to facilitate the use of the cooperative
17 agreement program by eligible entities described in
18 subsection (b)(1)(D).

19 “(2) WAIVERS.—

20 “(A) IN GENERAL.—Except as provided in
21 subparagraph (B), the Secretary may waive or
22 specify alternative requirements for any provi-
23 sion of this section (including regulations) that
24 the Secretary administers in connection with
25 this section if the Secretary finds that the waiv-

1 er or alternative requirement is necessary for
2 the effective delivery and administration of this
3 program with respect to eligible entities de-
4 scribed in subsection (b)(1)(D).

5 “(B) EXCEPTION.—The Secretary may not
6 waive or specify alternative requirements under
7 subparagraph (A) relating to labor standards or
8 the environment.

9 “(3) CONSULTATION.—The Secretary shall con-
10 sult with Indian tribes and tribal organizations on
11 the design of this program with respect to such
12 tribes and organizations to ensure the effectiveness
13 of the program in enhancing the security of Indian
14 tribes with respect to public health emergencies.

15 “(4) REPORTING.—

16 “(A) IN GENERAL.—Not later than 2 years
17 after the date of enactment of this subsection,
18 and as an addendum to the biennial evaluations
19 required under subsection (k), the Secretary, in
20 coordination with the Director of the Indian
21 Health Service, shall—

22 “(i) conduct a review of the implemen-
23 tation of this section with respect to eligi-
24 ble entities described in subsection

1 (b)(1)(D), including any factors that may
2 have limited its success; and

3 “(ii) submit a report describing the
4 results of the review described in clause (i)
5 to—

6 “(I) the Committee on Indian Af-
7 fairs, the Committee on Health, Edu-
8 cation, Labor, and Pensions, and the
9 Committee on Appropriations of the
10 Senate; and

11 “(II) the Subcommittee on Indig-
12 enous People of the Committee on
13 Natural Resources, the Committee on
14 Energy and Commerce, and the Com-
15 mittee on Appropriations of the House
16 of Representatives.

17 “(B) ANALYSIS OF TRIBAL PUBLIC
18 HEALTH EMERGENCY INFRASTRUCTURE LIM-
19 TATION.—The Secretary shall include in the
20 initial report submitted under subparagraph (A)
21 a description of any public health emergency in-
22 frastructure limitation encountered by eligible
23 entities described in subsection (b)(1)(D).”.

1 **SEC. 70522. PROVISION OF ITEMS TO INDIAN PROGRAMS**
2 **AND FACILITIES.**

3 (a) STRATEGIC NATIONAL STOCKPILE.—Section
4 319F–2(a)(3)(G) of the Public Health Service Act (42
5 U.S.C. 247d–6b(a)(3)(G)) is amended by inserting “, and,
6 in the case that the Secretary deploys the stockpile under
7 this subparagraph, ensure, in coordination with the appli-
8 cable States and programs and facilities, that appropriate
9 drugs, vaccines and other biological products, medical de-
10 vices, and other supplies are deployed by the Secretary di-
11 rectly to health programs or facilities operated by the In-
12 dian Health Service, an Indian tribe, a tribal organization
13 (as those terms are defined in section 4 of the Indian Self-
14 Determination and Education Assistance Act (25 U.S.C.
15 5304)), or an inter-tribal consortium (as defined in section
16 501 of the Indian Self-Determination and Education As-
17 sistance Act (25 U.S.C. 5381)) or through an urban In-
18 dian organization (as defined in section 4 of the Indian
19 Health Care Improvement Act), while avoiding duplicative
20 distributions to such programs or facilities” before the
21 semicolon.

22 (b) DISTRIBUTION OF QUALIFIED PANDEMIC OR EPI-
23 DEMIC PRODUCTS TO IHS FACILITIES.—Title III of the
24 Public Health Service Act (42 U.S.C. 241 et seq.) is
25 amended by inserting after section 319F–4 the following:

1 **“SEC. 319F-5. DISTRIBUTION OF QUALIFIED PANDEMIC OR**
2 **EPIDEMIC PRODUCTS TO INDIAN PROGRAMS**
3 **AND FACILITIES.**

4 “In the case that the Secretary distributes qualified
5 pandemic or epidemic products (as defined in section
6 319F-3(i)(7)) to States or other entities, the Secretary
7 shall ensure, in coordination with the applicable States
8 and programs and facilities, that, as appropriate, such
9 products are distributed directly to health programs or fa-
10 cilities operated by the Indian Health Service, an Indian
11 tribe, a tribal organization (as those terms are defined in
12 section 4 of the Indian Self-Determination and Education
13 Assistance Act (25 U.S.C. 5304)), or an inter-tribal con-
14 sortium (as defined in section 501 of the Indian Self-De-
15 termination and Education Assistance Act (25 U.S.C.
16 5381)) or through an urban Indian organization (as de-
17 fined in section 4 of the Indian Health Care Improvement
18 Act), while avoiding duplicative distributions to such pro-
19 grams or facilities.”.

20 **Subtitle C—Medical Product**
21 **Supply Chain Improvements**

22 **SEC. 70531. SHORTAGES OF ESSENTIAL DEVICES.**

23 Chapter V of the Federal Food, Drug, and Cosmetic
24 Act (21 U.S.C. 351 et seq.) is amended by inserting after
25 section 520 the following:

1 **“SEC. 520A. DISCONTINUANCE OR INTERRUPTION IN THE**
2 **PRODUCTION OF ESSENTIAL DEVICES DUR-**
3 **ING PUBLIC HEALTH EMERGENCIES.**

4 “(a) NOTIFICATION.—

5 “(1) IN GENERAL.—A manufacturer or contract
6 terminal sterilizer of an essential device shall notify
7 the Secretary—

8 “(A) in accordance with paragraph (3),
9 when such manufacturer or sterilizer becomes
10 aware of—

11 “(i) a permanent discontinuance in
12 the manufacture of the device (except for
13 a permanent discontinuance as a result of
14 an approved modification of the device);

15 “(ii) an interruption in the manufac-
16 ture of the device that is likely to lead to
17 a shortage or meaningful disruption in the
18 supply of that device in the United States;
19 or

20 “(iii) any other situation or cir-
21 cumstance that is likely to lead to a short-
22 age or meaningful disruption in the supply
23 of that device in the United States; and

24 “(B) in accordance with paragraph (2)(C),
25 of the reason for such discontinuance, interrup-
26 tion, or other situation or circumstance.

1 “(2) REQUIRED INCLUSIONS.—A notification
2 under paragraph (1) shall include each of the fol-
3 lowing:

4 “(A) The name of the device, including the
5 Device Identifier or National Product Code for
6 the device, if applicable.

7 “(B) The name of the manufacturer of the
8 device.

9 “(C) The reason for the notification, in-
10 cluding whether any of the following reasons
11 apply:

12 “(i) Requirements related to com-
13 plying with quality system regulations.

14 “(ii) Shortage of a material used in
15 the manufacture of the device.

16 “(iii) Shortage of a component, part,
17 or accessory of the device.

18 “(iv) Delay in shipping of the device.

19 “(v) Increased demand for the device.

20 “(vi) Natural disaster.

21 “(vii) Cyber security.

22 “(viii) Facility closure.

23 “(ix) Other reasons as the Secretary
24 deems appropriate.

1 “(D) The estimated duration of the dis-
2 continuance, interruption, or other situation or
3 circumstance.

4 “(E) Any other information the manufac-
5 turer deems relevant.

6 “(3) TIMING.—The notification required under
7 paragraph (1) shall be submitted, in a manner pre-
8 scribed by the Secretary—

9 “(A) no later than 6 months prior to the
10 date of the discontinuance, interruption, or
11 other situation or circumstance; or

12 “(B) if compliance with subparagraph (A)
13 is not possible, as soon as is practicable, and in
14 no case later than 5 business days after the
15 manufacturer becomes aware of an event, situa-
16 tion, or circumstance requiring notification
17 under paragraph (1).

18 “(b) DISTRIBUTION.—

19 “(1) PUBLIC AVAILABILITY.—To the extent
20 practicable, the Secretary shall distribute, through
21 such means as the Secretary deems appropriate, in-
22 formation on any discontinuance, interruption, or
23 other situation or circumstance described in sub-
24 section (a) to appropriate organizations, including to

1 hospitals, physicians and other health care providers,
2 patients, and supply chain partners.

3 “(2) PUBLIC HEALTH EXCEPTION.—The Sec-
4 retary may choose not to make information collected
5 under this section publicly available pursuant to this
6 section if the Secretary determines that the disclo-
7 sure of such information would adversely affect pub-
8 lic health, such as by increasing the possibility of an
9 unnecessary over-purchase or other disruption of the
10 availability of medical products to patients.

11 “(c) CONFIDENTIALITY.—Nothing in this section
12 shall be construed as authorizing the Secretary to disclose
13 any information that is a trade secret or confidential infor-
14 mation subject to section 552(b)(4) of title 5, United
15 States Code, or section 1905 of title 18, United States
16 Code.

17 “(d) FAILURE TO MEET REQUIREMENTS.—If a per-
18 son fails to submit information as required under sub-
19 section (a)—

20 “(1) the Secretary shall issue a letter to such
21 person setting forth the basis for noncompliance and
22 informing such person of a failure to comply;

23 “(2) within 30 calendar days from the issuance
24 of a letter under paragraph (1), the person who re-
25 ceives such letter shall submit to the Secretary a

1 written response to such letter setting forth the
2 basis for noncompliance and providing information
3 required under subsection (a); and

4 “(3) not later than 45 calendar days after the
5 issuance of a letter under paragraph (1), the Sec-
6 retary shall make such letter and any response to
7 such letter under paragraph (2) available to the pub-
8 lic on the public website of the Food and Drug Ad-
9 ministration, with appropriate redactions made to
10 protect information described in subsection (c), ex-
11 cept that, if the Secretary determines that the letter
12 under paragraph (1) was issued in error or, after re-
13 view of such response, the person had a reasonable
14 basis for not notifying as required under subsection
15 (a), the requirements of this paragraph shall not
16 apply.

17 “(e) EXPEDITED INSPECTIONS AND REVIEWS.—If,
18 based on notifications described in subsection (a) or any
19 other relevant information, the Secretary concludes that
20 there is, or is likely to be, a shortage of a device described
21 in subsection (a), the Secretary may—

22 “(1) expedite the review of premarket submis-
23 sions under sections 510(k), 513(f)(2), 515, and
24 520(m), that could help mitigate or prevent such
25 shortage; or

1 “(2) expedite an inspection or reinspection of
2 an establishment that could help mitigate or prevent
3 such shortage.

4 “(f) EFFECT OF NOTIFICATION.—The submission of
5 a notification under subsection (a) shall not be con-
6 strued—

7 “(1) as an admission that any product that is
8 the subject of such notification violates any provision
9 of this Act; or

10 “(2) as evidence of the entity’s intent to market
11 the product for an indication or use for which the
12 product has not been approved or cleared by the
13 Secretary.

14 “(g) IDENTIFICATION OF ESSENTIAL DEVICES.—

15 “(1) IN GENERAL.—In the event of, or in ad-
16 vance of, a declaration of a public health emergency
17 pursuant to section 319 of the Public Health Service
18 Act, the Secretary shall designate and make publicly
19 available, including on the public website of the
20 Food and Drug Administration, a list of devices that
21 are critical to preventing, screening, diagnosing,
22 treating, or mitigating the spread of a disease or
23 condition during such emergency.

24 “(2) CONSIDERATION.—In developing such list,
25 the Secretary shall take into consideration—

1 “(A) the medical necessity of devices;

2 “(B) the urgency to prevent serious injury
3 or death; and

4 “(C) the availability of other devices.

5 “(3) UPDATES.—During the course of such
6 public health emergency, the Secretary shall update
7 the list of essential devices as necessary, including
8 adding and removing devices.

9 “(h) DEFINITIONS.—For purposes of this section:

10 “(1) ESSENTIAL DEVICE.—The term ‘essential
11 device’ means a device designated in a list in effect
12 under subsection (g).

13 “(2) MANUFACTURER.—The term ‘manufac-
14 turer’ means the entity that holds the medical device
15 marketing submission, or if a medical device mar-
16 keting submission is not required, the entity respon-
17 sible for listing the medical device under section 510.

18 “(3) MEANINGFUL DISRUPTION.—The term
19 ‘meaningful disruption’—

20 “(A) means a change in production that is
21 reasonably likely to lead to a reduction in the
22 supply of an essential device that is more than
23 negligible and affects the ability to fill orders or
24 meet expected demand for the device of the

1 manufacturer or contract terminal sterilizer in-
2 volved; and

3 “(B) does not include, so long as the man-
4 ufacturer expects to resume operations in a
5 short period of time, not to exceed 6 months,
6 interruptions in—

7 “(i) manufacturing due to matters
8 such as routine maintenance or insignifi-
9 cant changes; or

10 “(ii) manufacturing of components or
11 raw materials.

12 “(4) SHORTAGE.—The term ‘shortage’, with re-
13 spect to a device, means a period of time when the
14 demand or projected demand for the device within
15 the United States exceeds the supply of the device
16 or a comparable device of that manufacturer or an-
17 other manufacturer, including as a result of dis-
18 continuance of a device or an interruption in the
19 manufacturing or importation of a device or a com-
20 ponent of a device or the device constituent of a
21 combination product.”.

1 **SEC. 70532. AUTHORITY TO DESTROY COUNTERFEIT DE-**
2 **VICES.**

3 (a) IN GENERAL.—Section 801(a) of the Federal
4 Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is
5 amended—

6 (1) in the fourth sentence, by inserting “or
7 counterfeit device” after “counterfeit drug”; and

8 (2) by striking “The Secretary of the Treasury
9 shall cause the destruction of” and all that follows
10 through “liable for costs pursuant to subsection
11 (c).” and inserting the following: “The Secretary of
12 the Treasury shall cause the destruction of any such
13 article refused admission unless such article is ex-
14 ported, under regulations prescribed by the Sec-
15 retary of the Treasury, within ninety days of the
16 date of notice of such refusal or within such addi-
17 tional time as may be permitted pursuant to such
18 regulations, except that the Secretary of Health and
19 Human Services may destroy, without the oppor-
20 tunity for export, any drug or device refused admis-
21 sion under this section, if such drug or device is val-
22 ued at an amount that is \$2,500 or less (or such
23 higher amount as the Secretary of the Treasury may
24 set by regulation pursuant to section 498(a)(1) of
25 the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and
26 was not brought into compliance as described under

1 subsection (b). The Secretary of Health and Human
2 Services shall issue regulations providing for notice
3 and an opportunity to appear before the Secretary
4 of Health and Human Services and introduce testi-
5 mony, as described in the first sentence of this sub-
6 section, on destruction of a drug or device under the
7 seventh sentence of this subsection. The regulations
8 shall provide that prior to destruction, appropriate
9 due process is available to the owner or consignee
10 seeking to challenge the decision to destroy the drug
11 or device. Where the Secretary of Health and
12 Human Services provides notice and an opportunity
13 to appear and introduce testimony on the destruc-
14 tion of a drug or device, the Secretary of Health and
15 Human Services shall store and, as applicable, dis-
16 pose of the drug or device after the issuance of the
17 notice, except that the owner and consignee shall re-
18 main liable for costs pursuant to subsection (c).”.

19 (b) DEFINITION.—Section 201(h) of the Federal
20 Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is
21 amended—

22 (1) by redesignating subparagraphs (1), (2),
23 and (3) as clauses (A), (B), and (C), respectively;
24 and

25 (2) after making such redesignations—

1 (A) by striking “(h) The term” and insert-
2 ing “(h)(1) The term”; and

3 (B) by adding at the end the following:

4 “(2) The term ‘counterfeit device’ means a device
5 which, or the container, packaging, or labeling of which,
6 without authorization, bears a trademark, trade name, or
7 other identifying mark, imprint, or symbol, or any likeness
8 thereof, or is manufactured using a design, of a device
9 manufacturer, packer, or distributor other than the person
10 or persons who in fact manufactured, packed, or distrib-
11 uted such device and which thereby falsely purports or is
12 represented to be the product of, or to have been packed
13 or distributed by, such other device manufacturer, packer,
14 or distributor.

15 “(3) For purposes of subparagraph (2)—

16 “(A) the term ‘manufactured’ refers to any of
17 the following activities: manufacture, preparation,
18 propagation, compounding, assembly, or processing;
19 and

20 “(B) the term ‘manufacturer’ means a person
21 who is engaged in any of the activities listed in
22 clause (A).”.

1 **SEC. 70533. REQUIRING THE STRATEGIC NATIONAL STOCK-**
2 **PILE TO INCLUDE CERTAIN TYPES OF MED-**
3 **ICAL SUPPLIES.**

4 Section 319F–2(a)(1) of the Public Health Service
5 Act (42 U.S.C. 247d–6b(a)(1)) is amended by inserting
6 “(including personal protective equipment, ancillary med-
7 ical supplies, and other supplies required for the adminis-
8 tration of drugs, vaccines and other biological products,
9 medical devices, and diagnostic tests)’” after “other sup-
10 plies”.

11 **SEC. 70534. REPORTING REQUIREMENT FOR DRUG MANU-**
12 **FACTURERS.**

13 (a) ESTABLISHMENTS IN A FOREIGN COUNTRY.—
14 Section 510(i) of the Federal Food, Drug, and Cosmetic
15 Act (21 U.S.C. 360(i)) is amended by inserting at the end
16 the following new paragraph:

17 “(5) The requirements of paragraphs (1) and (2)
18 shall apply to establishments within a foreign country en-
19 gaged in the manufacture, preparation, propagation,
20 compounding, or processing of any drug, including the ac-
21 tive pharmaceutical ingredient, that is required to be listed
22 pursuant to subsection (j). Such requirements shall apply
23 regardless of whether the drug, including the active phar-
24 maceutical ingredient, undergoes further manufacture,
25 preparation, propagation, compounding, or processing at
26 a separate establishment outside the United States prior

1 to being imported or offered for import into the United
2 States.”.

3 (b) LISTING OF DRUGS.—Section 510(j) of the Fed-
4 eral Food, Drug, and Cosmetic Act (21 U.S.C. 360(j)) is
5 amended—

6 (1) in paragraph (1)—

7 (A) in subparagraph (D), by striking
8 “and” at the end;

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

11 (C) by adding at the end the following new
12 subparagraph:

13 “(F) in the case of a drug contained in the ap-
14 plicable list, a certification that the registrant has—

15 “(i) identified every other establishment
16 where manufacturing is performed for the drug;
17 and

18 “(ii) notified each known foreign establish-
19 ment engaged in the manufacture, preparation,
20 propagation, compounding, or processing of the
21 drug, including the active pharmaceutical ingre-
22 dient, of the inclusion of the drug in the list
23 and the obligation to register.”;

24 (2) by redesignating paragraphs (3) and (4) as
25 paragraphs (4) and (5), respectively; and

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

3 “(3)(A) Subject to subparagraph (B), each person
4 who registers with the Secretary under this section shall
5 report to the Secretary by electronic means in a form and
6 manner as specified by the Secretary, with regard to
7 drugs, once during the month of March of each year, once
8 during the month of June of each year, once during the
9 month of September of each year, and once during the
10 month of December of each year, on the amount of each
11 listed drug that was manufactured, prepared, propagated,
12 compounded, or processed at each establishment reg-
13 istered by such person since the date the person last made
14 a report under this paragraph. Such amount shall include
15 the number of dosage units for each finished drug product
16 intended for distribution in the United States, or amount
17 of active pharmaceutical ingredient intended for distribu-
18 tion in the United States. The Secretary may require in-
19 formation reported under this subparagraph to be further
20 delineated in such manner as the Secretary determines ap-
21 propriate.

22 “(B) Notwithstanding subparagraph (A), the Sec-
23 retary may issue an order exempting certain biological
24 products or categories of biological products licensed
25 under section 351 of the Public Health Service Act from

1 some or all of the reporting requirements under such sub-
2 paragraph if the Secretary determines that the application
3 of such requirements to such products (or categories
4 thereof) is not necessary to protect the public health.”.

5 (c) RULES OF CONSTRUCTION.—

6 (1) Nothing in the amendments made by this
7 section shall be construed—

8 (A) to limit or narrow, in any manner, the
9 meaning or application of the provisions of sub-
10 section (i) or (j) of section 510 of the Federal
11 Food, Drug, and Cosmetic Act (21 U.S.C.
12 360); or

13 (B) to affect any determination under ei-
14 ther such subsection made prior to the date of
15 enactment of this Act.

16 (2) Nothing in the amendments made by this
17 section shall be construed—

18 (A) to limit or narrow the ability of the
19 Secretary of Health and Human Services to
20 share confidential commercial information pur-
21 suant to a memorandum of understanding, en-
22 tered into before, on, or after the date of enact-
23 ment of this section, between the Food and
24 Drug Administration and another Federal de-
25 partment or agency; or

1 (B) as authorizing the Secretary to dis-
2 close any information that is confidential com-
3 mercial or trade secret information subject to
4 section 552(b)(4) of title 5, United States Code,
5 or section 1905 of title 18, United States Code.

6 **SEC. 70535. NATIONAL CENTERS OF EXCELLENCE IN CON-**
7 **TINUOUS PHARMACEUTICAL MANUFAC-**
8 **TURING.**

9 (a) IN GENERAL.—Section 3016 of the 21st Century
10 Cures Act (21 U.S.C. 399h) is amended to read as follows:

11 **“SEC. 3016. NATIONAL CENTERS OF EXCELLENCE IN CON-**
12 **TINUOUS PHARMACEUTICAL MANUFAC-**
13 **TURING.**

14 “(a) IN GENERAL.—The Secretary of Health and
15 Human Services, acting through the Commissioner of
16 Food and Drugs—

17 “(1) shall solicit and, beginning not later than
18 one year after the date of enactment of the National
19 Centers of Excellence in Continuous Pharmaceutical
20 Manufacturing Act of 2019, receive requests from
21 institutions of higher education to be designated as
22 a National Center of Excellence in Continuous Phar-
23 maceutical Manufacturing (in this section referred to
24 as a ‘National Center of Excellence’) to support the

1 advancement and development of continuous manu-
2 facturing; and

3 “(2) shall so designate any institution of higher
4 education that—

5 “(A) requests such designation; and

6 “(B) meets the criteria specified in sub-
7 section (c).

8 “(b) REQUEST FOR DESIGNATION.—A request for
9 designation under subsection (a) shall be made to the Sec-
10 retary at such time, in such manner, and containing such
11 information as the Secretary may require. Any such re-
12 quest shall include a description of how the institution of
13 higher education meets or plans to meet each of the cri-
14 teria specified in subsection (c).

15 “(c) CRITERIA FOR DESIGNATION DESCRIBED.—The
16 criteria specified in this subsection with respect to an in-
17 stitution of higher education are that the institution has,
18 as of the date of the submission of a request under sub-
19 section (a) by such institution—

20 “(1) physical and technical capacity for re-
21 search and development of continuous manufac-
22 turing;

23 “(2) manufacturing knowledge-sharing net-
24 works with other institutions of higher education,
25 large and small pharmaceutical manufacturers, ge-

1 neric and nonprescription manufacturers, contract
2 manufacturers, and other entities;

3 “(3) proven capacity to design and demonstrate
4 new, highly effective technology for use in contin-
5 uous manufacturing;

6 “(4) a track record for creating and transfer-
7 ring knowledge with respect to continuous manufac-
8 turing;

9 “(5) the potential to train a future workforce
10 for research on and implementation of advanced
11 manufacturing and continuous manufacturing; and

12 “(6) experience in participating in and leading
13 a continuous manufacturing technology partnership
14 with other institutions of higher education, large and
15 small pharmaceutical manufacturers, generic and
16 nonprescription manufacturers, contract manufac-
17 turers, and other entities—

18 “(A) to support companies with continuous
19 manufacturing in the United States;

20 “(B) to support Federal agencies with
21 technical assistance, which may include regu-
22 latory and quality metric guidance as applica-
23 ble, for advanced manufacturing and continuous
24 manufacturing;

1 “(C) with respect to continuous manufac-
2 turing, to organize and conduct research and
3 development activities needed to create new and
4 more effective technology, capture and dissemi-
5 nate expertise, create intellectual property, and
6 maintain technological leadership;

7 “(D) to develop best practices for design-
8 ing continuous manufacturing; and

9 “(E) to assess and respond to the work-
10 force needs for continuous manufacturing, in-
11 cluding the development of training programs if
12 needed.

13 “(d) TERMINATION OF DESIGNATION.—The Sec-
14 retary may terminate the designation of any National Cen-
15 ter of Excellence designated under this section if the Sec-
16 retary determines such National Center of Excellence no
17 longer meets the criteria specified in subsection (c). Not
18 later than 60 days before the effective date of such a ter-
19 mination, the Secretary shall provide written notice to the
20 National Center of Excellence, including the rationale for
21 such termination.

22 “(e) CONDITIONS FOR DESIGNATION.—As a condi-
23 tion of designation as a National Center of Excellence
24 under this section, the Secretary shall require that an in-

1 stitution of higher education enter into an agreement with
2 the Secretary under which the institution agrees—

3 “(1) to collaborate directly with the Food and
4 Drug Administration to publish the reports required
5 by subsection (g);

6 “(2) to share data with the Food and Drug Ad-
7 ministration regarding best practices and research
8 generated through the funding under subsection (f);

9 “(3) to develop, along with industry partners
10 (which may include large and small biopharma-
11 ceutical manufacturers, generic and nonprescription
12 manufacturers, and contract manufacturers) and an-
13 other institution or institutions designated under
14 this section, if any, a roadmap for developing a con-
15 tinuous manufacturing workforce;

16 “(4) to develop, along with industry partners
17 and other institutions designated under this section,
18 a roadmap for strengthening existing, and devel-
19 oping new, relationships with other institutions; and

20 “(5) to provide an annual report to the Food
21 and Drug Administration regarding the institution’s
22 activities under this section, including a description
23 of how the institution continues to meet and make
24 progress on the criteria listed in subsection (c).

25 “(f) FUNDING.—

1 “(1) IN GENERAL.—The Secretary shall award
2 funding, through grants, contracts, or cooperative
3 agreements, to the National Centers of Excellence
4 designated under this section for the purpose of
5 studying and recommending improvements to contin-
6 uous manufacturing, including such improvements
7 as may enable the Centers—

8 “(A) to continue to meet the conditions
9 specified in subsection (e); and

10 “(B) to expand capacity for research on,
11 and development of, continuing manufacturing.

12 “(2) CONSISTENCY WITH FDA MISSION.—As a
13 condition on receipt of funding under this sub-
14 section, a National Center of Excellence shall agree
15 to consider any input from the Secretary regarding
16 the use of funding that would—

17 “(A) help to further the advancement of
18 continuous manufacturing through the National
19 Center of Excellence; and

20 “(B) be relevant to the mission of the
21 Food and Drug Administration.

22 “(3) AUTHORIZATION OF APPROPRIATIONS.—
23 There is authorized to be appropriated to carry out
24 this subsection \$80,000,000 for the period of fiscal
25 years 2021 through 2025.

1 “(4) RULE OF CONSTRUCTION.—Nothing in
2 this section shall be construed as precluding a Na-
3 tional Center for Excellence designated under this
4 section from receiving funds under any other provi-
5 sion of this Act or any other Federal law.

6 “(g) ANNUAL REVIEW AND REPORTS.—

7 “(1) ANNUAL REPORT.—Beginning not later
8 than one year after the date on which the first des-
9 ignation is made under subsection (a), and annually
10 thereafter, the Secretary shall—

11 “(A) submit to Congress a report describ-
12 ing the activities, partnerships and collabora-
13 tions, Federal policy recommendations, previous
14 and continuing funding, and findings of, and
15 any other applicable information from, the Na-
16 tional Centers of Excellence designated under
17 this section; and

18 “(B) make such report available to the
19 public in an easily accessible electronic format
20 on the website of the Food and Drug Adminis-
21 tration.

22 “(2) REVIEW OF NATIONAL CENTERS OF EX-
23 CELLENCE AND POTENTIAL DESIGNEES.—The Sec-
24 retary shall periodically review the National Centers
25 of Excellence designated under this section to ensure

1 that such National Centers of Excellence continue to
2 meet the criteria for designation under this section.

3 “(3) REPORT ON LONG-TERM VISION OF FDA
4 ROLE.—Not later than 2 years after the date on
5 which the first designation is made under subsection
6 (a), the Secretary, in consultation with the National
7 Centers of Excellence designated under this section,
8 shall submit a report to the Congress on the long-
9 term vision of the Department of Health and
10 Human Services on the role of the Food and Drug
11 Administration in supporting continuous manufac-
12 turing, including—

13 “(A) a national framework of principles re-
14 lated to the implementation and regulation of
15 continuous manufacturing;

16 “(B) a plan for the development of Federal
17 regulations and guidance for how advanced
18 manufacturing and continuous manufacturing
19 can be incorporated into the development of
20 pharmaceuticals and regulatory responsibilities
21 of the Food and Drug Administration; and

22 “(C) appropriate feedback solicited from
23 the public, which may include other institutions,
24 large and small biopharmaceutical manufactur-

1 ers, generic and nonprescription manufacturers,
2 and contract manufacturers.

3 “(h) DEFINITIONS.—In this section:

4 “(1) ADVANCED MANUFACTURING.—The term
5 ‘advanced manufacturing’ means an approach for
6 the manufacturing of pharmaceuticals that incor-
7 porates novel technology, or uses an established
8 technique or technology in a new or innovative way
9 (such as continuous manufacturing where the input
10 materials are continuously transformed within the
11 process by two or more unit operations) that en-
12 hances drug quality or improves the manufacturing
13 process.

14 “(2) CONTINUOUS MANUFACTURING.—The
15 term ‘continuous manufacturing’—

16 “(A) means a process where the input ma-
17 terials are continuously fed into and trans-
18 formed within the process, and the processed
19 output materials are continuously removed from
20 the system; and

21 “(B) consists of an integrated process that
22 consists of a series of two or more unit oper-
23 ations.

24 “(3) INSTITUTION OF HIGHER EDUCATION.—
25 The term ‘institution of higher education’ has the

1 meaning given such term in section 101(a) of the
2 Higher Education Act of 1965 (20 U.S.C. 1001(a)).

3 “(4) SECRETARY.—The term ‘Secretary’ means
4 the Secretary of Health and Human Services, acting
5 through the Commissioner of Food and Drugs.”.

6 (b) TRANSITION RULE.—Section 3016 of the 21st
7 Century Cures Act (21 U.S.C. 399h), as in effect on the
8 day before the date of the enactment of this section, shall
9 apply with respect to grants awarded under such section
10 before such date of enactment.

11 **Subtitle D—Public Health** 12 **Extenders**

13 **SEC. 70541. EXTENSION FOR COMMUNITY HEALTH CEN-** 14 **TERS, THE NATIONAL HEALTH SERVICE** 15 **CORPS, AND TEACHING HEALTH CENTERS** 16 **THAT OPERATE GME PROGRAMS.**

17 (a) COMMUNITY HEALTH CENTERS.—Section
18 10503(b)(1) of the Patient Protection and Affordable
19 Care Act (42 U.S.C. 254b–2(b)(1)) is amended—

20 (1) in subparagraph (E), by striking “and” at
21 the end;

22 (2) in subparagraph (F), by striking “,
23 \$4,000,000,000 for fiscal year 2019, and
24 \$2,575,342,466 for the period beginning on October

1 1, 2019, and ending on May 22, 2020; and” and in-
2 sserting a semicolon; and

3 (3) by adding at the end the following:

4 “(G) \$4,000,000,000 for each of fiscal
5 years 2019 and 2020; and

6 “(H) \$668,493,151 for the period begin-
7 ning on October 1, 2020, and ending on No-
8 vember 30, 2020; and”.

9 (b) NATIONAL HEALTH SERVICE CORPS.—Section
10 10503(b)(2) of the Patient Protection and Affordable
11 Care Act (42 U.S.C. 254b–2(b)(2)) is amended—

12 (1) in subparagraph (F), by striking “and
13 2019; and” and inserting “through 2020; and”; and

14 (2) in subparagraph (G), by striking
15 “\$199,589,041 for the period beginning on October
16 1, 2019, and ending on May 22, 2020” and insert-
17 ing “\$51,808,220 for the period beginning on Octo-
18 ber 1, 2020, and ending on November 30, 2020.”

19 (c) TEACHING HEALTH CENTERS THAT OPERATE
20 GRADUATE MEDICAL EDUCATION PROGRAMS.—Section
21 340H(g)(1) of the Public Health Service Act (42 U.S.C.
22 256h(g)(1)) is amended—

23 (1) by striking “and 2019” and inserting
24 “through 2020” and;

1 (2) by striking “\$81,445,205 for the period be-
2 ginning on October 1, 2019, and ending on May 22,
3 2020” and inserting “\$21,141,096 for the period be-
4 ginning on October 1, 2020, and ending on Novem-
5 ber 30, 2020”.

6 **SEC. 70542. DIABETES PROGRAMS.**

7 (a) TYPE I.—Section 330B(b)(2)(D) of the Public
8 Health Service Act (42 U.S.C. 254e–2(b)(2)(D)) is
9 amended by striking “and 2019, and \$96,575,342 for the
10 period beginning on October 1, 2019, and ending on May
11 22, 2020” and inserting “through 2020, and \$25,068,494
12 for the period beginning on October 1, 2020, and ending
13 on November 30, 2020”.

14 (b) INDIANS.—Section 330C(c)(2)(D) of the Public
15 Health Service Act (42 U.S.C. 254e–3(c)(2)(D)) is
16 amended by striking “and 2019, and \$96,575,342 for the
17 period beginning on October 1, 2019, and ending on May
18 22, 2020” and inserting “through 2020, and \$25,068,494
19 for the period beginning on October 1, 2020, and ending
20 on November 30, 2020”.

21 **Subtitle E—Other Extenders**

22 **SEC. 70551. EXTENSION OF SEXUAL RISK AVOIDANCE EDU-**
23 **CATION PROGRAM.**

24 Section 510 of the Social Security Act (42 U.S.C.
25 710) is amended—

1 (1) in subsection (a)—

2 (A) in paragraph (1), in the matter pre-
3 ceding subparagraph (A), by striking “and
4 2019 and for the period beginning October 1,
5 2019, and ending May 22, 2020” and inserting
6 “through 2020 and for the period beginning on
7 October 1, 2020, and ending on November 30,
8 2020”;

9 (B) in paragraph (2)(A), by striking “and
10 2019 and for the period beginning October 1,
11 2019, and ending May 22, 2020” and inserting
12 “through 2020, and for the period beginning on
13 October 1, 2020, and ending on November 30,
14 2020”; and

15 (C) in paragraphs (1), (2)(A), and
16 (2)(B)(i), by striking “with respect to such pe-
17 riod, for fiscal year 2020” each place it appears
18 and inserting “with respect to such period, for
19 fiscal year 2021”; and

20 (2) in subsection (f)(1), by striking “and 2019
21 and \$48,287,671 for the period beginning October 1,
22 2019, and ending May 22, 2020” and inserting
23 “through 2020, and \$12,534,247 for the period be-
24 ginning on October 1, 2020, and ending on Novem-
25 ber 30, 2020”.

1 **SEC. 70552. EXTENSION OF PERSONAL RESPONSIBILITY**
2 **EDUCATION PROGRAM.**

3 Section 513 of the Social Security Act (42 U.S.C.
4 713) is amended—

5 (1) in subsection (a)(1)—

6 (A) in subparagraph (A), in the matter
7 preceding clause (i), by striking “through 2019
8 and for the period beginning October 1, 2019,
9 and ending May 22, 2020” and inserting
10 “through 2020 and for the period beginning on
11 October 1, 2020, and ending November 30,
12 2020”; and

13 (B) in subparagraph (B)(i), by striking
14 “beginning October 1, 2019, and ending May
15 22, 2020” and inserting “beginning on October
16 1, 2020, and ending November 30, 2020”;

17 (2) in subsection (a)(4)(A), by striking “2019”
18 each place it appears and inserting “2020”; and

19 (3) in subsection (f), by striking “through 2019
20 and \$48,287,671 for the period beginning October 1,
21 2019, and ending May 22, 2020” and inserting
22 “through 2020, and \$12,534,247 for the period be-
23 ginning on October 1, 2020, and ending on Novem-
24 ber 30, 2020”.

1 **Subtitle F—Miscellaneous**

2 **SEC. 70561. HEALTH PROVIDER LOAN PROGRAM.**

3 (a) **IN GENERAL.**—Not later than 30 days after the
4 date of enactment of this title, the Secretary shall estab-
5 lish a program under which loans shall be made to eligible
6 health care organizations to assist such organizations with
7 anticipated revenue loss or higher operating costs as a re-
8 sult of the COVID-19 emergency.

9 (b) **PROGRAM REQUIREMENTS.**—The Secretary shall
10 establish standards and guidelines for application, loan
11 amount, repayment, and extension, and shall consider the
12 eligible health care organization’s financial condition, serv-
13 ice in an area heavily impacted by the COVID-19 emer-
14 gency, or other factors deemed appropriate.

15 (c) **ELIGIBLE HEALTH CARE ORGANIZATIONS.**—To
16 be eligible for a loan under subsection (a), an entity
17 shall—

18 (1) be a health care provider or supplier that
19 receives assistance or otherwise participates in the
20 Medicare or Medicaid program under title XVIII or
21 XIX of the Social Security Act (42 U.S.C. 1395 and
22 1396 et seq.), including a hospital, critical access
23 hospital, skilled nursing facility, physician practice,
24 home health provider, community health center, am-
25 bulatory surgical care center, or hospice; and

1 (2) submit to the Secretary an application at
2 such time, in such manner, and containing such in-
3 formation as the Secretary may require.

4 (d) TERMS AND CONDITIONS.—

5 (1) INTEREST.—A loan under this section shall
6 have a rate of interest of not to exceed 2 percent.
7 Interest shall begin to accrue on the date that is 60
8 days after the date of origination.

9 (2) TERM.—The term of a loan under this sec-
10 tion shall be 1 year minus one day. A borrower shall
11 have the option to extend such term for a total of
12 not to exceed 19 years. Further extensions may be
13 granted if approval by the Secretary.

14 (3) SECURITY.—An eligible health care organi-
15 zation shall not be required to provide security for
16 a loan under this section.

17 (4) PAYMENTS.—Loan payments shall be made
18 on a biannual basis.

19 (e) DEFINITIONS.—In this section:

20 (1) COVID-19 EMERGENCY.—The term
21 “COVID-19 emergency” means the national emer-
22 gency declared by the President under the National
23 Emergencies Act (50 U.S.C. 1601 et seq.) with re-
24 spect to the Coronavirus Disease 2019 (COVID-19).

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

3 (f) USE OF CERTAIN FUNDS.—Loan recipients may
4 use funds such recipients were awarded under the Public
5 Health and Social Services Emergency Fund or the
6 Health Provider Assistance Fund established under sec-
7 tion 562 to repay loans awarded under this section, pro-
8 vided the funds from the Public Health and Social Serv-
9 ices Emergency Fund or the Health Provider Assistance
10 Fund were awarded based on foregone revenue.

11 (g) CLARIFICATION.—No individual, employer, or
12 other entity may be restricted from participating in or
13 benefitting from any exemption or benefit under this sec-
14 tion, based on any factor that is unrelated to its qualifica-
15 tions to perform the required services.

16 (h) APPROPRIATIONS.—There is authorized to be ap-
17 propriated, and there is appropriated, to carry out this
18 section, \$80,000,000,000 for fiscal year 2020, to remain
19 available until expended.

1 **DIVISION** **H—EMERGENCY**
 2 **CORONAVIRUS** **PANDEMIC**
 3 **UNEMPLOYMENT COMPENSA-**
 4 **TION ACT OF 2020**

5 **SEC. 80001. SHORT TITLE.**

6 This division may be cited as the “Emergency
 7 Coronavirus Pandemic Unemployment Compensation Act
 8 of 2020”.

9 **SEC. 80002. TABLE OF CONTENTS.**

10 The table of contents for this division is as follows:

Sec. 80001. Short title.
 Sec. 80002. Table of contents.

TITLE I—FEDERAL BENEFIT ENHANCEMENTS

Sec. 80101. Emergency increase in unemployment compensation benefits.
 Sec. 80102. Temporary financing of short-time compensation payments in
 States with programs in law.
 Sec. 80103. Temporary financing of short-time compensation agreements.
 Sec. 80104. Emergency flexibility for short-time compensation.
 Sec. 80105. Grants for short-time compensation programs.
 Sec. 80106. Emergency extended benefit period for 2020.

TITLE II—EXPANDED ELIGIBILITY FOR UNEMPLOYMENT
 COMPENSATION

Sec. 80201. Pandemic Self-Employment and Job Entrant Compensation.

TITLE III—RELIEF FOR GOVERNMENTAL AND NONPROFIT
 ENTITIES

Sec. 80301. Emergency unemployment relief for governmental entities and non-
 profit organizations.

TITLE IV—EMERGENCY ASSISTANCE FOR RAIL WORKERS

Sec. 80401. Waiver of the 7-day waiting period for benefits under the Railroad
 Unemployment Insurance Act.
 Sec. 80402. Enhanced benefits under the Railroad Unemployment Insurance
 Act.
 Sec. 80403. Extended unemployment benefits under the Railroad Unemploy-
 ment Insurance Act.
 Sec. 80404. Treatment of payments from the Railroad Unemployment Insur-
 ance Account.

1 **TITLE I—FEDERAL BENEFIT**
2 **ENHANCEMENTS**

3 **SEC. 80101. EMERGENCY INCREASE IN UNEMPLOYMENT**
4 **COMPENSATION BENEFITS.**

5 (a) FEDERAL-STATE AGREEMENTS.—Any State
6 which desires to do so may enter into and participate in
7 an agreement under this section with the Secretary of
8 Labor (hereinafter in this section referred to as the “Sec-
9 retary”). Any State which is a party to an agreement
10 under this section may, upon providing 30 days’ written
11 notice to the Secretary, terminate such agreement.

12 (b) PROVISIONS OF AGREEMENT.—

13 (1) IN GENERAL.—Any agreement under this
14 section shall provide the following:

15 (A) FEDERAL PANDEMIC UNEMPLOYMENT
16 COMPENSATION.—The State agency of the
17 State will make payments of regular compensa-
18 tion to individuals in amounts and to the extent
19 that they would be determined if the State law
20 of the State were applied, with respect to any
21 week for which the individual is (disregarding
22 this section) otherwise entitled under the State
23 law to receive regular compensation, as if such
24 State law had been modified in a manner such
25 that the amount of regular compensation (in-

1 including dependents' allowances) payable for any
2 week shall be equal to—

3 (i) the amount determined under the
4 State law (before the application of this
5 paragraph), plus

6 (ii) an additional amount of \$600 (in
7 this section referred to as “Federal Pan-
8 demic Unemployment Compensation”).

9 (B) FEDERAL PANDEMIC SHORT-TIME
10 COMPENSATION.—In the case of a State that
11 provides under the State law for the payment of
12 short-time compensation under a short-time
13 compensation program (as defined in section
14 3306(v) of the Internal Revenue Code of 1986),
15 the State agency of the State will make pay-
16 ments of compensation (as defined in subsection
17 (h) of such section) to employees participating
18 in such program in amounts and to the extent
19 that they would be determined under such pro-
20 gram if the State law of the State were applied,
21 with respect to any week for which the indi-
22 vidual is (disregarding this section) otherwise
23 eligible under the program under the State law
24 to receive such compensation, as if such State
25 law had been modified in a manner such that

1 the amount of compensation payable for any
2 week shall be equal to the amount determined
3 under the State law (before the application of
4 this paragraph) plus \$300 (in this section re-
5 ferred to as “Federal Pandemic Short-Time
6 Compensation”).

7 (2) ALLOWABLE METHODS OF PAYMENT.—Any
8 Federal Pandemic Unemployment Compensation or
9 Federal Pandemic Short-Time Compensation pro-
10 vided for in accordance with paragraph (1) shall be
11 payable either—

12 (A) as an amount which is paid at the
13 same time and in the same manner as any com-
14 pensation otherwise payable for the week in-
15 volved; or

16 (B) at the option of the State, by pay-
17 ments which are made separately from, but on
18 the same weekly basis as, any compensation
19 otherwise payable.

20 (c) NONREDUCTION RULE.—An agreement under
21 this section shall not apply (or shall cease to apply) with
22 respect to a State upon a determination by the Secretary
23 that the method governing the computation of regular
24 compensation under the State law of that State has been
25 modified in a manner such that the maximum benefit enti-

1 tlement and the average weekly benefit amount of regular
2 compensation (or short-time compensation in the case of
3 a State described in subsection (b)(1)(B)) which will be
4 payable during the period of the agreement (determined
5 disregarding any Federal Pandemic Unemployment Com-
6 pensation or Federal Pandemic Short-Time Compensa-
7 tion) will be less than the maximum benefit entitlement
8 and the average weekly benefit amount of regular com-
9 pensation (or short-time compensation) which would oth-
10 erwise have been payable during such period under the
11 State law, as in effect on January 1, 2020.

12 (d) PAYMENTS TO STATES.—

13 (1) IN GENERAL.—

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

18 (i) the total amount of Federal Pan-
19 demic Unemployment Compensation paid
20 to individuals by the State pursuant to
21 such agreement;

22 (ii) the total amount of Federal Pan-
23 demic Short-Time Compensation paid to
24 individuals by the State pursuant to such
25 agreement; and

1 (iii) any additional administrative ex-
2 penses incurred by the State by reason of
3 such agreement (as determined by the Sec-
4 retary).

5 (B) TERMS OF PAYMENTS.—Sums payable
6 to any State by reason of such State's having
7 an agreement under this section shall be pay-
8 able, either in advance or by way of reimburse-
9 ment (as determined by the Secretary), in such
10 amounts as the Secretary estimates the State
11 will be entitled to receive under this section for
12 each calendar month, reduced or increased, as
13 the case may be, by any amount by which the
14 Secretary finds that his estimates for any prior
15 calendar month were greater or less than the
16 amounts which should have been paid to the
17 State. Such estimates may be made on the
18 basis of such statistical, sampling, or other
19 method as may be agreed upon by the Secretary
20 and the State agency of the State involved.

21 (2) CERTIFICATIONS.—The Secretary shall
22 from time to time certify to the Secretary of the
23 Treasury for payment to each State the sums pay-
24 able to such State under this section.

1 (3) APPROPRIATION.—There are appropriated
2 from the general fund of the Treasury, without fiscal
3 year limitation, such sums as may be necessary for
4 purposes of this subsection.

5 (e) APPLICABILITY.—

6 (1) IN GENERAL.—An agreement entered into
7 under this section shall apply to weeks of unemploy-
8 ment—

9 (A) beginning on or after March 13, 2020;

10 and

11 (B) ending on or before January 1, 2021.

12 (2) TRANSITION RULE FOR INDIVIDUALS RE-
13 MAINING ENTITLED TO REGULAR COMPENSATION AS
14 OF JUNE 30, 2021.—In the case of any individual
15 who, as of the date specified in paragraph (1)(B),
16 has not yet exhausted all rights to regular com-
17 pensation under the State law of a State with re-
18 spect to a benefit year that began before such date
19 (or short-time compensation in the case of a State
20 described in subsection (b)(1)(B)), Federal Pan-
21 demic Unemployment Compensation or Federal Pan-
22 demic Short-Time Compensation (as the case may
23 be) shall continue to be payable to such individual
24 for any week beginning on or after such date for
25 which the individual is otherwise eligible for regular

1 compensation (or short-time compensation) with re-
2 spect to such benefit year.

3 (3) TERMINATION.—Notwithstanding any other
4 provision of this subsection, no Federal Pandemic
5 Unemployment Compensation or Federal Pandemic
6 Short-Time Compensation shall be payable for any
7 week beginning after June 30, 2021.

8 (f) FRAUD AND OVERPAYMENTS.—

9 (1) IN GENERAL.—If an individual knowingly
10 has made, or caused to be made by another, a false
11 statement or representation of a material fact, or
12 knowingly has failed, or caused another to fail, to
13 disclose a material fact, and as a result of such false
14 statement or representation or of such nondisclosure
15 such individual has received an amount of Federal
16 Pandemic Unemployment Compensation or Federal
17 Pandemic Short-Time Compensation to which such
18 individual was not entitled, such individual—

19 (A) shall be ineligible for further Federal
20 Pandemic Unemployment Compensation or
21 Federal Pandemic Short-Time Compensation in
22 accordance with the provisions of the applicable
23 State unemployment compensation law relating
24 to fraud in connection with a claim for unem-
25 ployment compensation; and

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

3 (2) REPAYMENT.—In the case of individuals
4 who have received amounts of Federal Pandemic
5 Unemployment Compensation or Federal Pandemic
6 Short-Time Compensation to which they were not
7 entitled, the State shall require such individuals to
8 repay the amounts of such Federal Pandemic Unem-
9 ployment Compensation or Federal Pandemic Short-
10 Time Compensation to the State agency, except that
11 the State agency may waive such repayment if it de-
12 termines that—

13 (A) the payment of such Federal Pandemic
14 Unemployment Compensation or Federal Pan-
15 demic Short-Time Compensation was without
16 fault on the part of any such individual; and

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

19 (3) RECOVERY BY STATE AGENCY.—

20 (A) IN GENERAL.—The State agency may
21 recover the amount to be repaid, or any part
22 thereof, by deductions from any Federal Pan-
23 demic Unemployment Compensation or Federal
24 Pandemic Short-Time Compensation payable to
25 such individual or from any unemployment

1 compensation payable to such individual under
2 any State or Federal unemployment compensa-
3 tion law administered by the State agency or
4 under any other State or Federal law adminis-
5 tered by the State agency which provides for
6 the payment of any assistance or allowance with
7 respect to any week of unemployment, during
8 the 3-year period after the date such individuals
9 received the payment of the Federal Pandemic
10 Unemployment Compensation or Federal Pan-
11 demic Short-Time Compensation to which they
12 were not entitled, in accordance with the same
13 procedures as apply to the recovery of overpay-
14 ments of regular unemployment benefits paid
15 by the State.

16 (B) OPPORTUNITY FOR HEARING.—No re-
17 payment shall be required, and no deduction
18 shall be made, until a determination has been
19 made, notice thereof and an opportunity for a
20 fair hearing has been given to the individual,
21 and the determination has become final.

22 (4) REVIEW.—Any determination by a State
23 agency under this section shall be subject to review
24 in the same manner and to the same extent as deter-
25 minations under the State unemployment compensa-

1 tion law, and only in that manner and to that ex-
2 tent.

3 (g) APPLICATION TO OTHER UNEMPLOYMENT BENE-
4 FITS.—

5 (1) IN GENERAL.—Each agreement under this
6 section shall include provisions to provide that the
7 purposes of the preceding provisions of this section
8 shall be applied with respect to unemployment bene-
9 fits described in subsection (i)(3) to the same extent
10 and in the same manner as if those benefits were
11 regular compensation.

12 (2) ELIGIBILITY AND TERMINATION RULES.—
13 Federal Pandemic Unemployment Compensation—

14 (A) shall not be payable, pursuant to this
15 subsection, with respect to any unemployment
16 benefits described in subsection (i)(3) for any
17 week beginning on or after the date specified in
18 subsection (e)(1)(B), except in the case of an
19 individual who was eligible to receive Federal
20 Pandemic Unemployment Compensation in con-
21 nection with any regular compensation or any
22 unemployment benefits described in subsection
23 (i)(3) for any period of unemployment ending
24 before such date; and

1 (B) shall in no event be payable for any
2 week beginning after the date specified in sub-
3 section (e)(3).

4 (h) TREATMENT OF FEDERAL PANDEMIC UNEM-
5 PLOYMENT COMPENSATION AND FEDERAL PANDEMIC
6 SHORT-TIME COMPENSATION PAYMENTS.—

7 (1) PAYMENT TO BE DISREGARDED FOR PUR-
8 POSES OF ALL FEDERAL AND FEDERALLY ASSISTED
9 PROGRAMS.—A Federal Pandemic Unemployment
10 Compensation or Federal Pandemic Short-Time
11 Compensation payment shall not be regarded as in-
12 come and shall not be regarded as a resource for the
13 month of receipt and the following 9 months, for
14 purposes of determining the eligibility of the recipi-
15 ent (or the recipient’s spouse or family) for benefits
16 or assistance, or the amount or extent of benefits or
17 assistance, under any Federal program or under any
18 State or local program financed in whole or in part
19 with Federal funds.

20 (i) DEFINITIONS.—For purposes of this section—

21 (1) the terms “compensation”, “regular com-
22 pensation”, “benefit year”, “State”, “State agency”,
23 “State law”, and “week” have the respective mean-
24 ings given such terms under section 205 of the Fed-

1 eral-State Extended Unemployment Compensation
2 Act of 1970 (26 U.S.C. 3304 note);

3 (2) the term “maximum benefit entitlement”
4 means the amount of regular compensation payable
5 to an individual with respect to the individual’s ben-
6 efit year; and

7 (3) any reference to unemployment benefits de-
8 scribed in this paragraph shall be considered to refer
9 to—

10 (A) extended compensation (as defined by
11 section 205 of the Federal-State Extended Un-
12 employment Compensation Act of 1970); and

13 (B) unemployment compensation (as de-
14 fined by section 85(b) of the Internal Revenue
15 Code of 1986) provided under any program ad-
16 ministered by a State under an agreement with
17 the Secretary.

18 **SEC. 80102. TEMPORARY FINANCING OF SHORT-TIME COM-**
19 **PENSATION PAYMENTS IN STATES WITH PRO-**
20 **GRAMS IN LAW.**

21 (a) PAYMENTS TO STATES.—

22 (1) IN GENERAL.—Subject to paragraph (3),
23 there shall be paid to a State an amount equal to
24 100 percent of the amount of short-time compensa-
25 tion paid under a short-time compensation program

1 (as defined in section 3306(v) of the Internal Rev-
2 enue Code of 1986) under the provisions of the
3 State law.

4 (2) TERMS OF PAYMENTS.—Payments made to
5 a State under paragraph (1) shall be payable by way
6 of reimbursement in such amounts as the Secretary
7 estimates the State will be entitled to receive under
8 this section for each calendar month, reduced or in-
9 creased, as the case may be, by any amount by
10 which the Secretary finds that the Secretary's esti-
11 mates for any prior calendar month were greater or
12 less than the amounts which should have been paid
13 to the State. Such estimates may be made on the
14 basis of such statistical, sampling, or other method
15 as may be agreed upon by the Secretary and the
16 State agency of the State involved.

17 (3) LIMITATIONS ON PAYMENTS.—

18 (A) GENERAL PAYMENT LIMITATIONS.—

19 No payments shall be made to a State under
20 this section for short-time compensation paid to
21 an individual by the State during a benefit year
22 in excess of 26 times the amount of regular
23 compensation (including dependents' allow-
24 ances) under the State law payable to such in-
25 dividual for a week of total unemployment.

1 (B) EMPLOYER LIMITATIONS.—No pay-
2 ments shall be made to a State under this sec-
3 tion for benefits paid to an individual by the
4 State under a short-time compensation program
5 if such individual is employed by the partici-
6 pating employer on a seasonal, temporary, or
7 intermittent basis.

8 (b) APPLICABILITY.—Payments to a State under
9 subsection (a) shall be available for weeks of unemploy-
10 ment—

11 (1) beginning on or after March 13, 2020; and

12 (2) ending on or before December 31, 2020.

13 (c) NEW PROGRAMS.—Subject to paragraphs (1)(B)
14 and (2) of subsection (b), if at any point after the date
15 of the enactment of this Act the State enacts a State law
16 providing for the payment of short-time compensation
17 under a short-time compensation program that meets the
18 definition of such a program under section 3306(v) of the
19 Internal Revenue Code of 1986, the State shall be eligible
20 for payments under this section after the effective date
21 of such enactment.

22 (d) FUNDING AND CERTIFICATIONS.—

23 (1) FUNDING.—There are appropriated, out of
24 moneys in the Treasury not otherwise appropriated,

1 such sums as may be necessary for purposes of car-
2 rying out this section.

3 (2) CERTIFICATIONS.—The Secretary shall
4 from time to time certify to the Secretary of the
5 Treasury for payment to each State the sums pay-
6 able to such State under this section.

7 (e) DEFINITIONS.—In this section:

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

10 (2) STATE; STATE AGENCY; STATE LAW.—The
11 terms “State”, “State agency”, and “State law”
12 have the meanings given those terms in section 205
13 of the Federal-State Extended Unemployment Com-
14 pensation Act of 1970 (26 U.S.C. 3304 note).

15 (f) TECHNICAL CORRECTION TO DEFINITION.—Sec-
16 tion 3306(v)(6) of the Internal Revenue Code of 1986 (26
17 U.S.C. 3306) is amended by striking “Workforce Invest-
18 ment Act of 1998” and inserting “Workforce Innovation
19 and Opportunity Act”.

20 **SEC. 80103. TEMPORARY FINANCING OF SHORT-TIME COM-**
21 **PENSATION AGREEMENTS.**

22 (a) FEDERAL-STATE AGREEMENTS.—

23 (1) IN GENERAL.—Any State which desires to
24 do so may enter into, and participate in, an agree-
25 ment under this section with the Secretary provided

1 that such State's law does not provide for the pay-
2 ment of short-time compensation under a short-time
3 compensation program (as defined in section
4 3306(v) of the Internal Revenue Code of 1986).

5 (2) ABILITY TO TERMINATE.—Any State which
6 is a party to an agreement under this section may,
7 upon providing 30 days' written notice to the Sec-
8 retary, terminate such agreement.

9 (b) PROVISIONS OF FEDERAL-STATE AGREEMENT.—

10 (1) IN GENERAL.—Any agreement under this
11 section shall provide that the State agency of the
12 State will make payments of short-time compensa-
13 tion under a plan approved by the State. Such plan
14 shall provide that payments are made in accordance
15 with the requirements under section 3306(v) of the
16 Internal Revenue Code of 1986.

17 (2) LIMITATIONS ON PLANS.—

18 (A) GENERAL PAYMENT LIMITATIONS.—A
19 short-time compensation plan approved by a
20 State shall not permit the payment of short-
21 time compensation to an individual by the State
22 during a benefit year in excess of 26 times the
23 amount of regular compensation (including de-
24 pendents' allowances) under the State law pay-

1 able to such individual for a week of total un-
2 employment.

3 (B) EMPLOYER LIMITATIONS.—A short-
4 time compensation plan approved by a State
5 shall not provide payments to an individual if
6 such individual is employed by the participating
7 employer on a seasonal, temporary, or intermit-
8 tent basis.

9 (3) EMPLOYER PAYMENT OF COSTS.—Any
10 short-time compensation plan entered into by an em-
11 ployer must provide that the employer will pay the
12 State an amount equal to one-half of the amount of
13 short-time compensation paid under such plan. Such
14 amount shall be deposited in the State’s unemploy-
15 ment fund and shall not be used for purposes of cal-
16 culating an employer’s contribution rate under sec-
17 tion 3303(a)(1) of the Internal Revenue Code of
18 1986.

19 (c) PAYMENTS TO STATES.—

20 (1) IN GENERAL.—There shall be paid to each
21 State with an agreement under this section an
22 amount equal to—

23 (A) one-half of the amount of short-time
24 compensation paid to individuals by the State
25 pursuant to such agreement; and

1 (B) any additional administrative expenses
2 incurred by the State by reason of such agree-
3 ment (as determined by the Secretary).

4 (2) TERMS OF PAYMENTS.—Payments made to
5 a State under paragraph (1) shall be payable by way
6 of reimbursement in such amounts as the Secretary
7 estimates the State will be entitled to receive under
8 this section for each calendar month, reduced or in-
9 creased, as the case may be, by any amount by
10 which the Secretary finds that the Secretary’s esti-
11 mates for any prior calendar month were greater or
12 less than the amounts which should have been paid
13 to the State. Such estimates may be made on the
14 basis of such statistical, sampling, or other method
15 as may be agreed upon by the Secretary and the
16 State agency of the State involved.

17 (3) FUNDING.—There are appropriated, out of
18 moneys in the Treasury not otherwise appropriated,
19 such sums as may be necessary for purposes of car-
20 rying out this section.

21 (4) CERTIFICATIONS.—The Secretary shall
22 from time to time certify to the Secretary of the
23 Treasury for payment to each State the sums pay-
24 able to such State under this section.

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

3 (1) beginning on or after March 13, 2020; and

4 (2) ending on or before December 31, 2020.

5 (e) SPECIAL RULE.—If a State has entered into an
6 agreement under this section and subsequently enacts a
7 State law providing for the payment of short-time com-
8 pensation under a short-time compensation program that
9 meets the definition of such a program under section
10 3306(v) of the Internal Revenue Code of 1986, the
11 State—

12 (1) shall not be eligible for payments under this
13 section for weeks of unemployment beginning after
14 the effective date of such State law; and

15 (2) subject to paragraphs (1)(B) and (2) of sec-
16 tion 2(b), shall be eligible to receive payments under
17 section 2 after the effective date of such State law.

18 (f) DEFINITIONS.—In this section:

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

21 (2) STATE; STATE AGENCY; STATE LAW.—The
22 terms “State”, “State agency”, and “State law”
23 have the meanings given those terms in section 205
24 of the Federal-State Extended Unemployment Com-
25 pensation Act of 1970 (26 U.S.C. 3304 note).

1 **SEC. 80104. EMERGENCY FLEXIBILITY FOR SHORT-TIME**
2 **COMPENSATION.**

3 Notwithstanding any other law, if a State modifies
4 its unemployment compensation law and policies with re-
5 spect to availability for work and work search test require-
6 ments for short-time compensation on an emergency tem-
7 porary basis as needed to respond to the spread of
8 COVID-19, such modifications shall be disregarded for
9 the purposes of applying section 303 of the Social Security
10 Act and section 3306(v)(5) of the Internal Revenue Code
11 of 1986 to such State law.

12 **SEC. 80105. GRANTS FOR SHORT-TIME COMPENSATION**
13 **PROGRAMS.**

14 (a) GRANTS.—

15 (1) FOR IMPLEMENTATION OR IMPROVED AD-
16 MINISTRATION.—The Secretary shall award grants
17 to States that enact short-time compensation pro-
18 grams (as defined in subsection (i)(2)) for the pur-
19 pose of implementation or improved administration
20 of such programs.

21 (2) FOR PROMOTION AND ENROLLMENT.—The
22 Secretary shall award grants to States that are eligi-
23 ble and submit plans for a grant under paragraph
24 (1) for such States to promote and enroll employers
25 in short-time compensation programs (as so de-
26 fined).

1 (3) ELIGIBILITY.—

2 (A) IN GENERAL.—The Secretary shall de-
3 termine eligibility criteria for the grants under
4 paragraphs (1) and (2).

5 (B) CLARIFICATION.—A State admin-
6 istering a short-time compensation program
7 that does not meet the definition of a short-
8 time compensation program under section
9 3306(v) of the Internal Revenue Code of 1986,
10 and a State with an agreement under section 3,
11 shall not be eligible to receive a grant under
12 this section until such time as the State law of
13 the State provides for payments under a short-
14 time compensation program that meets such
15 definition and such law.

16 (b) AMOUNT OF GRANTS.—

17 (1) IN GENERAL.—The maximum amount avail-
18 able for making grants to a State under paragraphs
19 (1) and (2) shall be equal to the amount obtained
20 by multiplying \$100,000,000 (less the amount used
21 by the Secretary under subsection (e)) by the same
22 ratio as would apply under subsection (a)(2)(B) of
23 section 903 of the Social Security Act (42 U.S.C.
24 1103) for purposes of determining such State's
25 share of any excess amount (as described in sub-

1 section (a)(1) of such section) that would have been
2 subject to transfer to State accounts, as of October
3 1, 2019, under the provisions of subsection (a) of
4 such section.

5 (2) AMOUNT AVAILABLE FOR DIFFERENT
6 GRANTS.—Of the maximum incentive payment deter-
7 mined under paragraph (1) with respect to a
8 State—

9 (A) one-third shall be available for a grant
10 under subsection (a)(1); and

11 (B) two-thirds shall be available for a
12 grant under subsection (a)(2).

13 (c) GRANT APPLICATION AND DISBURSAL.—

14 (1) APPLICATION.—Any State seeking a grant
15 under paragraph (1) or (2) of subsection (a) shall
16 submit an application to the Secretary at such time,
17 in such manner, and complete with such information
18 as the Secretary may require. In no case may the
19 Secretary award a grant under this section with re-
20 spect to an application that is submitted after De-
21 cember 31, 2020.

22 (2) NOTICE.—The Secretary shall, within 30
23 days after receiving a complete application, notify
24 the State agency of the State of the Secretary's find-
25 ings with respect to the requirements for a grant

1 under paragraph (1) or (2) (or both) of subsection
2 (a).

3 (3) CERTIFICATION.—If the Secretary finds
4 that the State law provisions meet the requirements
5 for a grant under subsection (a), the Secretary shall
6 thereupon make a certification to that effect to the
7 Secretary of the Treasury, together with a certifi-
8 cation as to the amount of the grant payment to be
9 transferred to the State account in the Unemploy-
10 ment Trust Fund (as established in section 904(a)
11 of the Social Security Act (42 U.S.C. 1104(a))) pur-
12 suant to that finding. The Secretary of the Treasury
13 shall make the appropriate transfer to the State ac-
14 count within 7 days after receiving such certifi-
15 cation.

16 (4) REQUIREMENT.—No certification of compli-
17 ance with the requirements for a grant under para-
18 graph (1) or (2) of subsection (a) may be made with
19 respect to any State whose—

20 (A) State law is not otherwise eligible for
21 certification under section 303 of the Social Se-
22 curity Act (42 U.S.C. 503) or approvable under
23 section 3304 of the Internal Revenue Code of
24 1986; or

1 (B) short-time compensation program is
2 subject to discontinuation or is not scheduled to
3 take effect within 12 months of the certifi-
4 cation.

5 (d) USE OF FUNDS.—The amount of any grant
6 awarded under this section shall be used for the implemen-
7 tation of short-time compensation programs and the over-
8 all administration of such programs and the promotion
9 and enrollment efforts associated with such programs,
10 such as through—

11 (1) the creation or support of rapid response
12 teams to advise employers about alternatives to lay-
13 offs;

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

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

20 (A) the submission and approval of plans;
21 and

22 (B) the filing and approval of new and on-
23 going short-time compensation claims.

24 (e) ADMINISTRATION.—The Secretary is authorized
25 to use 0.25 percent of the funds available under subsection

1 (g) to provide for outreach and to share best practices with
2 respect to this section and short-time compensation pro-
3 grams.

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

10 (1) terminated the State’s short-time compensa-
11 tion program; or

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

15 (g) FUNDING.—There are appropriated for fiscal
16 year 2020, out of moneys in the Treasury not otherwise
17 appropriated, to the Secretary, \$100,000,000 to carry out
18 this section, to remain available until December 31, 2020.

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

22 (i) DEFINITIONS.—In this section:

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

1 (2) SHORT-TIME COMPENSATION PROGRAM.—
2 The term “short-time compensation program” has
3 the meaning given such term in section 3306(v) of
4 the Internal Revenue Code of 1986.

5 (3) STATE; STATE AGENCY; STATE LAW.—The
6 terms “State”, “State agency”, and “State law”
7 have the meanings given those terms in section 205
8 of the Federal-State Extended Unemployment Com-
9 pensation Act of 1970 (26 U.S.C. 3304 note).

10 **SEC. 80106. EMERGENCY EXTENDED BENEFIT PERIOD FOR**
11 **2020.**

12 (a) IN GENERAL.—For purposes of section 203 of the
13 Federal-State Extended Unemployment Compensation Act
14 of 1970 (26 U.S.C. 3304 note), and notwithstanding any
15 other provision of such section, an emergency extended
16 benefit period shall be deemed to occur with respect to
17 each State as follows:

18 (1) in the case of a State with respect to which
19 an extended benefit period is not in effect (without
20 regard to this section) for the 1st week beginning
21 after the date of enactment of this Act, an emer-
22 gency extended benefit period is deemed to begin
23 with such week with respect to such State; and

24 (2) in the case of a State with respect to which
25 an extended benefit period is otherwise in effect

1 (without regard to this section) for such week, an
2 emergency extended benefit period is deemed to
3 begin with the week following the last week of such
4 extended benefit period.

5 (b) SPECIAL RULE WITH RESPECT TO CERTAIN
6 STATES.—In the case of a State described in subsection
7 (a)(1) with respect to which an extended benefit period
8 would (but for this section) begin during an emergency
9 extended benefit period, such extended benefit period shall
10 begin with the week following the last week of such emer-
11 gency extended benefit period.

12 (c) ADDITIONAL FUNDING FOR EXTENDED COM-
13 PENSATION ACCOUNTS.—In the case of a State described
14 in (a)(2) or (b), section 202(b)(1) the Federal-State Ex-
15 tended Unemployment Compensation Act of 1970 (26
16 U.S.C. 3304 note) shall be applied for weeks during an
17 emergency extended benefit period by substituting for
18 each of “50”, “thirteen”, and “thirty-nine” such higher
19 number as the State determines is necessary to account
20 for such emergency extended benefit period.

21 (d) TREATMENT OF EMERGENCY EXTENDED BEN-
22 EFIT PERIOD UNDER FSEUCA.—The provisions of the
23 Federal-State Extended Unemployment Compensation Act
24 of 1970 (26 U.S.C. 3304 note) shall apply to a State with
25 respect to which an emergency extended benefit period is

1 in effect in the same manner as such provisions apply to
2 a State with respect to which an extended benefit period
3 is in effect.

4 **TITLE II—EXPANDED ELIGI-**
5 **BILITY FOR UNEMPLOYMENT**
6 **COMPENSATION**

7 **SEC. 80201. PANDEMIC SELF-EMPLOYMENT AND JOB EN-**
8 **TRANT COMPENSATION.**

9 (a) FEDERAL-STATE AGREEMENTS.—Any State
10 which desires to do so may enter into and participate in
11 an agreement under this section with the Secretary of
12 Labor (hereinafter in this section referred to as the “Sec-
13 retary”). Any State which is a party to an agreement
14 under this section may, upon providing 30 days’ written
15 notice to the Secretary, terminate such agreement.

16 (b) PROVISIONS OF AGREEMENT.—

17 (1) PANDEMIC SELF-EMPLOYMENT AND JOB
18 ENTRANT COMPENSATION.—Any agreement under
19 subsection (a) shall provide that the State agency of
20 the State will make payments on a weekly basis (in
21 this section referred to as “Pandemic Self-Employ-
22 ment and Job Entrant Compensation”) to unem-
23 ployed individuals who—

24 (A) have no rights to regular compensation
25 with respect to a week under the State law or

1 any other State unemployment compensation
2 law or to compensation under any other Federal
3 law;

4 (B) are not receiving any State or private
5 paid leave (as defined in subsection (g)) with
6 respect to such week; and

7 (C) attest that—

8 (i) the individual is not able or avail-
9 able to work due to COVID–19 with re-
10 spect to such week (as determined under
11 paragraph (4)); and

12 (ii) but for COVID–19 (as determined
13 under paragraph (4)), the individual would
14 be able and available to work during such
15 week.

16 (2) AMOUNT OF PANDEMIC SELF-EMPLOYMENT
17 AND JOB ENTRANT COMPENSATION.—

18 (A) IN GENERAL.—Except as provided in
19 subparagraph (B), the amount of Pandemic
20 Self-Employment and Job Entrant Compensa-
21 tion payable to an individual for a week under
22 an agreement under subsection (a) shall be
23 \$300.

24 (B) HIGHER PAYMENT FOR CERTAIN INDI-
25 VIDUALS.—Notwithstanding subparagraph (A),

1 the amount of Pandemic Self-Employment and
2 Job Entrant Compensation payable to an indi-
3 vidual for a week under an agreement under
4 subsection (a) shall be an amount equal to the
5 sum of \$600 plus $\frac{1}{4}$ of the average weekly ben-
6 efit amount of regular compensation paid to eli-
7 gible individuals in the State as of January 1,
8 2020, but only in the case of an individual who
9 attests (and furnishes such supporting docu-
10 mentation as the State agency may request)
11 that—

12 (i) the individual had net earnings
13 from self-employment (as defined in sec-
14 tion 1402(a) of the Internal Revenue Code
15 of 1986) of not less than \$2,500 during
16 the 6-month period ending on the date of
17 enactment of this Act; or

18 (ii) the individual had a contract or
19 other offer of employment suspended or re-
20 scinded due to COVID-19.

21 (3) DURATION OF BENEFIT PAYMENTS.—An in-
22 dividual who becomes entitled to Pandemic Self-Em-
23 ployment and Job Entrant Compensation paid by a
24 State under an agreement under subsection (a) shall
25 receive such benefit for not more than 26 weeks.

1 (4) NOT ABLE OR AVAILABLE TO WORK DUE TO
2 COVID-19.—For purposes of this subsection, an indi-
3 vidual shall be considered to be not able or available
4 to work due to COVID-19 with respect to a week
5 during any part of which the individual is not able
6 or available to work because—

7 (A) the individual has a current diagnosis
8 of COVID-19;

9 (B) the individual is under quarantine (in-
10 cluding self-imposed quarantine), at the instruc-
11 tion of a health care provider, employer, or a
12 local, State, or Federal official, in order to pre-
13 vent the spread of COVID-19;

14 (C) the individual is unable to engage in
15 self-employment (in the case of an individual
16 described in paragraph (2)(B)(i)) or seek suit-
17 able employment because of closings or restric-
18 tions on movement related to COVID-19;

19 (D) the individual is engaged in caregiving
20 (without compensation) for an individual who
21 has a current diagnosis of COVID-19 or is
22 under quarantine as described in subparagraph
23 (B)); or

24 (E) the individual is engaged in caregiving
25 (without compensation), because of the

1 COVID-19-related closing of a school or other
2 care facility or care program, for a child or
3 other individual unable to provide self-care.

4 (5) COORDINATION WITH CERTAIN TAX CRED-
5 ITS.—Notwithstanding paragraph (1), no individual
6 may become entitled to Pandemic Self-Employment
7 and Job Entrant Compensation under an agreement
8 under subsection (a) unless the individual makes an
9 irrevocable election (at such time and in such man-
10 ner as the Secretary of the Treasury may provide)
11 to have sections 7002 and 7004 of the Families
12 First Coronavirus Response Act not apply with re-
13 spect to such individual. An individual who makes
14 such an election shall not be treated as an individual
15 to whom a credit is allowable under such sections.

16 (c) PAYMENTS TO STATES.—

17 (1) IN GENERAL.—

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

22 (i) the total amount of Pandemic Self-
23 Employment and Job Entrant Compensa-
24 tion paid to individuals by the State pursu-
25 ant to such agreement; and

1 (ii) any additional administrative ex-
2 penses incurred by the State by reason of
3 such agreement (as determined by the Sec-
4 retary).

5 (B) TERMS OF PAYMENTS.—Sums payable
6 to any State by reason of such State's having
7 an agreement under this section shall be pay-
8 able, either in advance or by way of reimburse-
9 ment (as determined by the Secretary), in such
10 amounts as the Secretary estimates the State
11 will be entitled to receive under this section for
12 each calendar month, reduced or increased, as
13 the case may be, by any amount by which the
14 Secretary finds that his estimates for any prior
15 calendar month were greater or less than the
16 amounts which should have been paid to the
17 State. Such estimates may be made on the
18 basis of such statistical, sampling, or other
19 method as may be agreed upon by the Secretary
20 and the State agency of the State involved.

21 (2) FUNDING.—

22 (A) IN GENERAL.—Funds in the extended
23 unemployment compensation account (as estab-
24 lished by section 905(a) of the Social Security
25 Act (42 U.S.C. 1105(a)) of the Unemployment

1 Trust Fund (as established by section 904(a) of
2 such Act (42 U.S.C. 1104(a)) shall be used to
3 make payments to States pursuant to para-
4 graph (1).

5 (B) TRANSFER OF FUNDS.—Notwith-
6 standing any other provision of law, the Sec-
7 retary of the Treasury shall transfer from the
8 general fund of the Treasury (from funds not
9 otherwise appropriated) to the extended unem-
10 ployment compensation account such sums as
11 the Secretary of Labor estimates to be nec-
12 essary to make payments described in subpara-
13 graph (A). There are appropriated from the
14 general fund of the Treasury, without fiscal
15 year limitation, the sums referred to in the pre-
16 ceding sentence and such sums shall not be re-
17 quired to be repaid.

18 (3) CERTIFICATIONS.—The Secretary shall
19 from time to time certify to the Secretary of the
20 Treasury for payment to each State the sums pay-
21 able to such State under this section.

22 (d) APPLICABILITY.—

23 (1) IN GENERAL.—An agreement entered into
24 under this section shall apply with respect to
25 weeks—

1 (A) beginning on or after March 13, 2020;

2 and

3 (B) ending on or before January 1, 2021.

4 (2) TRANSITION RULE FOR INDIVIDUALS RE-
5 MAINING ENTITLED TO PANDEMIC SELF-EMPLOY-
6 MENT AND JOB ENTRANT COMPENSATION AS OF
7 JANUARY 1, 2021.—In the case of any individual
8 who, as of the date specified in paragraph (1)(B),
9 has not yet exhausted all rights to Pandemic Self-
10 Employment and Job Entrant Compensation under
11 the agreement under subsection (a), Pandemic Self-
12 Employment and Job Entrant Compensation shall
13 continue to be payable to such individual for any
14 week beginning on or after such date for which the
15 individual is otherwise eligible for such Pandemic
16 Self-Employment and Job Entrant Compensation.

17 (3) TERMINATION.—Notwithstanding any other
18 provision of this subsection, no Pandemic Self-Em-
19 ployment and Job Entrant Compensation shall be
20 payable for any week beginning after June 30, 2021.

21 (e) FRAUD AND OVERPAYMENTS.—

22 (1) IN GENERAL.—If an individual knowingly
23 has made, or caused to be made by another, a false
24 statement or representation of a material fact, or
25 knowingly has failed, or caused another to fail, to

1 disclose a material fact, and as a result of such false
2 statement or representation or of such nondisclosure
3 such individual has received an amount of Pandemic
4 Self-Employment and Job Entrant Compensation to
5 which such individual was not entitled, such indi-
6 vidual—

7 (A) shall be ineligible for further Pandemic
8 Self-Employment and Job Entrant Compensa-
9 tion in accordance with the provisions of the ap-
10 plicable State unemployment compensation law
11 relating to fraud in connection with a claim for
12 unemployment compensation; and

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

15 (2) REPAYMENT.—In the case of individuals
16 who have received amounts of Pandemic Self-Em-
17 ployment and Job Entrant Compensation to which
18 they were not entitled, the State shall require such
19 individuals to repay the amounts of such Pandemic
20 Self-Employment and Job Entrant Compensation to
21 the State agency, except that the State agency may
22 waive such repayment if it determines that—

23 (A) the payment of such Pandemic Self-
24 Employment and Job Entrant Compensation

1 was without fault on the part of any such indi-
2 vidual; and

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

5 (3) RECOVERY BY STATE AGENCY.—

6 (A) IN GENERAL.—The State agency may
7 recover the amount to be repaid, or any part
8 thereof, by deductions from any Pandemic Self-
9 Employment and Job Entrant Compensation
10 payable to such individual or from any unem-
11 ployment compensation payable to such indi-
12 vidual under any State or Federal unemploy-
13 ment compensation law administered by the
14 State agency or under any other State or Fed-
15 eral law administered by the State agency
16 which provides for the payment of any assist-
17 ance or allowance with respect to any week of
18 unemployment, during the 3-year period after
19 the date such individuals received the payment
20 of the Pandemic Self-Employment and Job En-
21 trant Compensation to which they were not en-
22 titled, in accordance with the same procedures
23 as apply to the recovery of overpayments of reg-
24 ular unemployment benefits paid by the State.

1 (B) OPPORTUNITY FOR HEARING.—No re-
2 payment shall be required, and no deduction
3 shall be made, until a determination has been
4 made, notice thereof and an opportunity for a
5 fair hearing has been given to the individual,
6 and the determination has become final.

7 (4) REVIEW.—Any determination by a State
8 agency under this section shall be subject to review
9 in the same manner and to the same extent as deter-
10 minations under the State unemployment compensa-
11 tion law, and only in that manner and to that ex-
12 tent.

13 (5) DEPOSIT IN STATE UNEMPLOYMENT
14 FUND.—Any amount recovered by a State agency
15 pursuant to this subsection shall be deposited in the
16 account of such State in the Unemployment Trust
17 Fund.

18 (f) TREATMENT OF PANDEMIC SELF-EMPLOYMENT
19 AND JOB ENTRANT COMPENSATION PAYMENTS.—

20 (1) PAYMENT TO BE DISREGARDED FOR PUR-
21 POSES OF ALL FEDERAL AND FEDERALLY ASSISTED
22 PROGRAMS.—A Pandemic Self-Employment and Job
23 Entrant Compensation payment shall not be re-
24 garded as income and shall not be regarded as a re-
25 source for the month of receipt and the following 9

1 months, for purposes of determining the eligibility of
2 the recipient (or the recipient’s spouse or family) for
3 benefits or assistance, or the amount or extent of
4 benefits or assistance, under any Federal program
5 or under any State or local program financed in
6 whole or in part with Federal funds.

7 (2) PAYMENT NOT CONSIDERED INCOME FOR
8 PURPOSES OF TAXATION.—A Pandemic Self-Em-
9 ployment and Job Entrant Compensation payment
10 shall not be considered as gross income for purposes
11 of the Internal Revenue Code of 1986.

12 (g) DEFINITIONS.—For purposes of this section—

13 (1) the terms “compensation” (except as such
14 term is used in subsection (b)(4)), “regular com-
15 pensation”, “State”, “State agency”, and “State
16 law” have the respective meanings given such terms
17 under section 205 of the Federal-State Extended
18 Unemployment Compensation Act of 1970 (26
19 U.S.C. 3304 note); and

20 (2) the term “State or private paid leave”
21 means a benefit which provides full or partial wage
22 replacement to employees on the basis of specifically
23 defined qualifying events described in section 102 of
24 the Family and Medical Leave Act of 1993 or de-
25 fined by a written employer policy or State law and

1 which ends either when the qualifying event is no
2 longer applicable or a set period of benefits is ex-
3 hausted.

4 **TITLE III—RELIEF FOR GOVERN-**
5 **MENTAL AND NONPROFIT EN-**
6 **TITIES**

7 **SEC. 80301. EMERGENCY UNEMPLOYMENT RELIEF FOR**
8 **GOVERNMENTAL ENTITIES AND NONPROFIT**
9 **ORGANIZATIONS.**

10 (a) FLEXIBILITY IN PAYING REIMBURSEMENT.—The
11 Secretary of Labor may issue clarifying guidance to allow
12 States to interpret their State unemployment compensa-
13 tion laws in a manner that would provide maximum flexi-
14 bility to reimbursing employers as it relates to timely pay-
15 ment and assessment of penalties and interest pursuant
16 to such State laws.

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

20 “Transfers for Federal Reimbursement of State
21 Unemployment Funds

22 “(j)(1)(A) In addition to any other amounts, the Sec-
23 retary of Labor shall provide for the transfer of funds dur-
24 ing the applicable period to the accounts of the States in
25 the Unemployment Trust Fund, by transfer from amounts

1 reserved for that purpose in the Federal unemployment
2 account, in accordance with the succeeding provisions of
3 this subsection.

4 “(B) The amount of funds transferred to the account
5 of a State under subparagraph (A) during the applicable
6 period shall, as determined by the Secretary of Labor, be
7 equal to one half of the amounts of compensation (as de-
8 fined in section 3306(h) of the Internal Revenue Code of
9 1986) attributable under the State law to service to which
10 section 3309(a)(1) of such Code applies that were paid
11 by the State for weeks of unemployment beginning and
12 ending during such period. Such transfers shall be made
13 at such times as the Secretary of Labor considers appro-
14 priate.

15 “(C) Notwithstanding any other law, funds trans-
16 ferred to the account of a State under subparagraph (A)
17 shall be used exclusively to reimburse governmental enti-
18 ties and other organizations described in section
19 3309(a)(2) of such Code for amounts paid (in lieu of con-
20 tributions) into the State unemployment fund pursuant to
21 such section.

22 “(D) For purposes of this paragraph, the term ‘appli-
23 cable period’ means the period beginning on March 13,
24 2020, and ending on December 31, 2020.

1 “(2)(A) Notwithstanding any other provision of law,
2 the Secretary of the Treasury shall transfer from the gen-
3 eral fund of the Treasury (from funds not otherwise ap-
4 propriated) to the employment security administration ac-
5 count (as established by section 901 of the Social Security
6 Act) such sums as the Secretary of Labor estimates to
7 be necessary for purposes of making the transfers de-
8 scribed in paragraph (1).

9 “(B) There are appropriated from the general fund
10 of the Treasury, without fiscal year limitation, the sums
11 referred to in subparagraph (A) and such sums shall not
12 be required to be repaid.”.

13 (c) OPERATING INSTRUCTIONS OR OTHER GUID-
14 ANCE.—The Secretary of Labor may issue any operating
15 instructions or other guidance necessary to carry out the
16 amendments made by this section.

17 **TITLE IV—EMERGENCY ASSIST-**
18 **ANCE FOR RAIL WORKERS**

19 **SEC. 80401. WAIVER OF THE 7-DAY WAITING PERIOD FOR**
20 **BENEFITS UNDER THE RAILROAD UNEM-**
21 **PLOYMENT INSURANCE ACT.**

22 (a) NO WAITING WEEK.—With respect to any reg-
23 istration period beginning after the date of enactment of
24 this Act and ending on or before December 31, 2020, sub-
25 paragraphs (A)(ii) and (B)(ii) of section 2(a)(1) of the

1 Railroad Unemployment Insurance Act (45 U.S.C.
2 352(a)(1)) shall not apply.

3 (b) REGULATIONS.—The Railroad Retirement Board
4 may prescribe any operating instructions or regulations
5 necessary to carry out this section.

6 (c) APPROPRIATIONS.—Out of any funds in the
7 Treasury not otherwise appropriated, there are appro-
8 priated \$50,000,000 to cover the costs of additional bene-
9 fits payable due to the application of subsection (a). Upon
10 the exhaustion of the funds appropriated under this sub-
11 section, subsection (a) shall no longer apply with respect
12 to any registration period beginning after the date of ex-
13 haustion of funds.

14 (d) DEFINITIONS.—For purposes of this section,
15 “registration period” has the meaning given such term
16 under section 1 of the Railroad Unemployment Insurance
17 Act.

18 **SEC. 80402. ENHANCED BENEFITS UNDER THE RAILROAD**
19 **UNEMPLOYMENT INSURANCE ACT.**

20 Section 2(a) of the Railroad Unemployment Insur-
21 ance Act (45 U.S.C. § 352(a)) is amended by adding at
22 the end the following:

23 “(5)(A) Notwithstanding paragraph (3), subsection
24 (c)(1)(B), and any other limitation on total benefits in this
25 Act, for registration periods beginning on or after April

1 1, 2020, but on or before December 31, 2020, a recovery
2 benefit in the amount of \$1,200 shall be payable to a
3 qualified employee with respect to any registration period
4 in which the employee received unemployment benefits
5 under paragraph (1)(A), and in any registration period in
6 which the employee did not receive unemployment benefits
7 due to the limitation in subsection (c)(1)(B) or due to
8 reaching the maximum number of days of benefits in the
9 benefit year beginning July 1, 2019, under subsection
10 (c)(1)(A), and throughout any continuing period of unem-
11 ployment beginning on or before December 31, 2020, ex-
12 cept that no benefit under this section shall be payable
13 after June 30, 2021. No recovery benefits shall be payable
14 under this section upon the exhaustion of the funds appro-
15 priated under subparagraph (B) for payment of benefits
16 under this subparagraph.

17 “(B) Out of any funds in the Treasury not otherwise
18 appropriated, there are appropriated \$950,000,000 to
19 cover the cost of recovery benefits provided under subpara-
20 graph (A), to remain available until expended.

21 “(C) A recovery benefit payable under subparagraph
22 (A) shall not be regarded as income and shall not be re-
23 garded as a resource for the month of receipt and the fol-
24 lowing 9 months, for purposes of determining the eligi-
25 bility of the recipient (or the recipient’s spouse or family)

1 for benefits or assistance, or the amount or extent of bene-
2 fits or assistance, under any Federal program or under
3 any State or local program financed in whole or in part
4 with Federal funds.”.

5 **SEC. 80403. EXTENDED UNEMPLOYMENT BENEFITS UNDER**
6 **THE RAILROAD UNEMPLOYMENT INSURANCE**
7 **ACT.**

8 (a) EXTENSION.—Section 2(c)(2)(D)(iii) of the Rail-
9 road Unemployment Insurance Act (45 U.S.C.
10 352(c)(2)(D)(iii)) is amended—

11 (1) by striking “July 1, 2008” and inserting
12 “July 15, 2019”;

13 (2) by striking “June 30, 2013” and inserting
14 “June 30, 2020”; and

15 (3) by striking “December 31, 2013” and in-
16 serting “December 31, 2020”.

17 (b) CLARIFICATION ON AUTHORITY TO USE
18 FUNDS.—Funds appropriated under either the first or
19 second sentence of clause (iv) of section 2(c)(2)(D) of the
20 Railroad Unemployment Insurance Act shall be available
21 to cover the cost of additional extended unemployment
22 benefits provided under such section 2(c)(2)(D) by reason
23 of the amendments made by subsection (a) as well as to
24 cover the cost of such benefits provided under such section

1 2(c)(2)(D) as in effect on the day before the date of enact-
2 ment of this Act.

3 **SEC. 80404. TREATMENT OF PAYMENTS FROM THE RAIL-**
4 **ROAD UNEMPLOYMENT INSURANCE AC-**
5 **COUNT.**

6 (a) IN GENERAL.—Section 256(i)(1) of the Balanced
7 Budget and Emergency Deficit Control Act of 1985 (2
8 U.S.C. 906(i)(1)) is amended—

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

11 (2) in subparagraph (C), by inserting “and” at
12 the end; and

13 (3) by inserting after subparagraph (C) the fol-
14 lowing new subparagraph:

15 “(D) any payment made from the Railroad Un-
16 employment Insurance Account (established by sec-
17 tion 10 of the Railroad Unemployment Insurance
18 Act) for the purpose of carrying out the Railroad
19 Unemployment Insurance Act, and funds appro-
20 priated or transferred to or otherwise deposited in
21 such Account,”.

22 (b) EFFECTIVE DATE.—The treatment of payments
23 made from the Railroad Unemployment Insurance Ac-
24 count pursuant to the amendment made by subsection (a)
25 shall take effect 7 days after the date of enactment of this

1 Act and shall apply only to obligations incurred on or after
 2 such effective date for such payments.

3 **DIVISION I—FINANCIAL**
 4 **SERVICES**

5 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

6 (a) **SHORT TITLE.**—This division may be cited as the
 7 “Financial Protections and Assistance for America’s Con-
 8 sumers, States, Businesses, and Vulnerable Populations
 9 Act”.

10 (b) **TABLE OF CONTENTS.**—The table of contents for
 11 this division is as follows:

- Sec. 1. Short title; table of contents.
- Sec. 2. References to this division.
- Sec. 3. Severability.

**TITLE I—PROTECTING CONSUMERS, RENTERS, HOMEOWNERS
 AND PEOPLE EXPERIENCING HOMELESSNESS**

- Sec. 101. Suspension of requirements regarding tenant contribution toward rent.
- Sec. 102. Temporary moratorium on eviction filings.
- Sec. 103. Suspension of other consumer loan payments.
- Sec. 104. Emergency rental assistance.
- Sec. 105. Emergency homeless assistance.
- Sec. 106. Participation of Indian Tribes and tribally designated housing entities in Continuum of Care Program.
- Sec. 107. Housing Assistance Fund.
- Sec. 108. Mortgage forbearance.
- Sec. 109. Bankruptcy protections.
- Sec. 110. Debt collection.
- Sec. 111. Disaster Protection for Workers’ Credit.
- Sec. 112. Student loans.
- Sec. 113. Waiver of in-person appraisal requirements.
- Sec. 114. Supplemental funding for community development block grants.
- Sec. 115. COVID–19 Emergency Housing Relief.
- Sec. 116. Supplemental funding for service coordinators to assist elderly households.
- Sec. 117. Fair housing.
- Sec. 118. HUD counseling program authorization.
- Sec. 119. Defense Production Act of 1950.

**TITLE II—ASSISTING SMALL BUSINESSES AND COMMUNITY
 FINANCIAL INSTITUTIONS**

- Sec. 201. Small Business Credit Facility.
- Sec. 202. Small Business Financial Assistance Program.
- Sec. 203. Loan and Obligation Payment Relief for Affected Small Businesses and Non-Profits.
- Sec. 204. Reauthorization of the State Small Business Credit Initiative Act of 2010.
- Sec. 205. Funding of the Initiative to Build Growth Equity Funds for Minority Businesses.
- Sec. 206. Community Development Financial Institutions Fund supplemental appropriation authorization.
- Sec. 207. Minority depository institution.
- Sec. 208. Loans to MDIs and CDFIs.
- Sec. 209. Insurance of transaction accounts.

TITLE III—SUPPORTING STATE, TERRITORY, AND LOCAL
GOVERNMENTS

- Sec. 301. Muni Facility.
- Sec. 302. Temporary waiver and reprogramming authority.

TITLE IV—PROMOTING FINANCIAL STABILITY AND
TRANSPARENT MARKETS

- Sec. 401. Temporary halt to rulemakings unrelated to COVID–19.
- Sec. 402. Temporary ban on stock buybacks.
- Sec. 403. Disclosures related to supply chain disruption risk.
- Sec. 404. Disclosures related to global pandemic risk.
- Sec. 405. Oversight of Federal aid related to COVID–19.
- Sec. 406. International financial institutions.
- Sec. 407. Conditions on Federal aid to corporations.
- Sec. 408. Authority for warrants and debt instruments.
- Sec. 409. Authorization to participate in the New Arrangements to Borrow of the International Monetary Fund.
- Sec. 410. **【Reserved】**.
- Sec. 411. **【Reserved】**.
- Sec. 412. International Finance Corporation.
- Sec. 413. Oversight and Reports.

TITLE V—PANDEMIC PLANNING AND GUIDANCE FOR
CONSUMERS AND REGULATORS

- Sec. 501. Financial Literacy Education Commission Emergency Response.
- Sec. 502. Interagency Pandemic Guidance for Consumers.
- Sec. 503. SEC Pandemic Guidance for Investors.
- Sec. 504. Updates of the Pandemic Influenza Plan and National Planning Frameworks.

1 SEC. 2. REFERENCES TO THIS DIVISION.

- 2** In this division, any reference to “this Act” shall be
- 3** deemed a reference to this division.

1 **SEC. 3. SEVERABILITY.**

2 If any provision of this Act or the application of such
3 provision to any person or circumstance is held to be un-
4 constitutional, the remainder of this Act, and the applica-
5 tion of the provisions of this Act, to any person or cir-
6 cumstance shall not be affected thereby.

7 **TITLE I—PROTECTING CON-**
8 **SUMERS, RENTERS, HOME-**
9 **OWNERS AND PEOPLE EXPE-**
10 **RIENCING HOMELESSNESS**

11 **SEC. 101. SUSPENSION OF REQUIREMENTS REGARDING**
12 **TENANT CONTRIBUTION TOWARD RENT.**

13 (a) **SUSPENSION.**—Notwithstanding any other provi-
14 sion of law, the obligation of each tenant household of a
15 dwelling unit in assisted housing to pay any contribution
16 toward rent for occupancy in such dwelling unit shall be
17 suspended with respect to such occupancy during the pe-
18 riod beginning on the date of the enactment of this Act
19 and ending 6 months after the date of the termination
20 by the Federal Emergency Management Agency of the
21 emergency declared on March 13, 2020, by the President
22 under the Robert T. Stafford Disaster Relief and Emer-
23 gency Assistance Act (42 U.S.C. 4121 et seq.) relating
24 to the Coronavirus Disease 2019 (COVID–19) pandemic.

25 (b) **FEDERAL REIMBURSEMENT PAYMENTS.**—To the
26 extent that amounts are made available pursuant to sub-

1 section (e) for reimbursements under this subsection, the
2 Secretary of Housing and Urban Development or the Sec-
3 retary of Agriculture, as appropriate, shall—

4 (1) provide owners of assisted housing and pub-
5 lic housing agencies for any amounts in rent not re-
6 ceived as a result of subsection (a), plus the amount
7 of any increases in costs of administering and main-
8 taining such housing to the extent only that such in-
9 creases result from the public health emergency re-
10 lating to Coronavirus Disease 2019 (COVID–19);
11 and

12 (2) in the case of public housing agencies pro-
13 viding assistance under section 8(o) of the United
14 States Housing Act of 1937 (42 U.S.C. 1437f(o)),
15 reimburse such agencies in an amount sufficient to
16 cover any increase in housing assistance payments
17 resulting from the suspension of tenant rent pay-
18 ments pursuant to subsection (a), plus the amount
19 of any increases in the cost of administering such
20 assistance to the extent only that such increases re-
21 sult from the public health emergency relating to
22 Coronavirus Disease 2019 (COVID–19).

23 (c) PROHIBITIONS.—

24 (1) ON FINES.—No tenant or tenant household
25 may be charged a fine or fee for nonpayment of rent

1 in accordance with subsection (a) and such non-
2 payment of rent shall not be grounds for any termi-
3 nation of tenancy or eviction.

4 (2) ON DEBT.—No tenant or tenant household
5 may be treated as accruing any debt by reason of
6 suspension of contribution of rent under subsection
7 (a).

8 (3) ON REPAYMENT.—held liable for repayment
9 of any amount of rent contribution suspended under
10 subsection (a).

11 (4) ON CREDIT SCORES.—The nonpayment of
12 rent by a tenant or tenant household shall not be re-
13 ported to a consumer reporting agency nor shall
14 such nonpayment adversely affect a tenant or mem-
15 ber of a tenant household’s credit score.

16 (d) ASSISTED HOUSING.—For purposes of this sec-
17 tion, the term “assisted housing” means housing or a
18 dwelling unit assisted under—

19 (1) section 213, 220, 221(d)(3), 221(d)(4),
20 223(e), 231, or 236 of the National Housing Act
21 (12 U.S.C. 1715l(d)(3), (d)(4), or 1715z–1);

22 (2) section 101 of the Housing and Urban De-
23 velopment Act of 1965 (12 U.S.C. 1701s);

24 (3) section 202 of the Housing Act of 1959 (12
25 U.S.C. 1701q);

1 (4) section 811 of the Cranston-Gonzales Na-
2 tional Affordable Housing Act (42 U.S.C. 8013);

3 (5) title II of the Cranston-Gonzalez National
4 Affordable Housing Act (42 U.S.C. 12701 et seq.);

5 (6) subtitle D of title VIII of the Cranston-Gon-
6 zalez National Affordable Housing Act (42 U.S.C.
7 12901 et seq.);

8 (7) title I of the Housing and Community De-
9 velopment Act of 1974 (42 U.S.C. 5301 et seq.);

10 (8) section 8 of the United States Housing Act
11 of 1937 (42 U.S.C. 1437f);

12 (9) the public housing program under title I of
13 the United States Housing Act of 1937 (42 U.S.C.
14 1437 et seq.); or

15 (10) section 514, 515, 516, 521(a)(2), 538, or
16 542 of the Housing Act of 1949 (42 U.S.C. 1484,
17 1485, 1486, 1490a(a)(2), 1490p-2, 1490r).

18 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
19 authorized to be appropriated such sums as may be nec-
20 essary to make payments under subsection (b) to all own-
21 ers of assisted housing and public housing agencies.

22 **SEC. 102. TEMPORARY MORATORIUM ON EVICTION FIL-**
23 **INGS.**

24 (a) CONGRESSIONAL FINDINGS.—The Congress finds
25 that—

1 (1) according to the 2018 American Community
2 Survey, 36 percent of households in the United
3 States—more than 43 million households—are rent-
4 ers;

5 (2) in 2019 alone, renters in the United States
6 paid \$512 billion in rent;

7 (3) according to the Joint Center for Housing
8 Studies of Harvard University, 20.8 million renters
9 in the United States spent more than 30 percent of
10 their incomes on housing in 2018 and 10.9 million
11 renters spent more than 50 percent of their incomes
12 on housing in the same year;

13 (4) Moody’s Analytics estimates that 27 million
14 jobs in the U.S. economy are at high risk because
15 of COVID–19;

16 (5) the impacts of the spread of COVID–19,
17 which is now considered a global pandemic, are ex-
18 pected to negatively impact the incomes of poten-
19 tially millions of renter households, making it dif-
20 ficult for them to pay their rent on time; and

21 (6) evictions in the current environment would
22 increase homelessness and housing instability which
23 would be counterproductive towards the public
24 health goals of keeping individuals in their homes to
25 the greatest extent possible.

1 (b) MORATORIUM.—During the period beginning on
2 the date of the enactment of this Act and ending on the
3 date described in paragraph (1) of subsection (d), the les-
4 sor of a covered dwelling may not make, or cause to be
5 made, any filing with the court of jurisdiction to initiate
6 a legal action to recover possession of the covered dwelling
7 from the tenant regardless of cause, except when a tenant
8 perpetrates a serious criminal act that threatens the
9 health, life, or safety of other tenants, owners, or staff
10 of the property in which the covered dwelling is located.

11 (c) DEFINITIONS.—For purposes of this section, the
12 following definitions shall apply:

13 (1) COVERED DWELLING.—The term “covered
14 dwelling” means a dwelling that is occupied by a
15 tenant—

16 (A) pursuant to a residential lease; or

17 (B) without a lease or with a lease ter-
18 minable at will under State law.

19 (2) DWELLING.—The term “dwelling” has the
20 meaning given such term in section 802 of the Fair
21 Housing Act (42 U.S.C. 3602) and includes houses
22 and dwellings described in section 803(b) of such
23 Act (42 U.S.C. 3603(b)).

24 (d) SUNSET.—

1 (1) SUNSET DATE.—The date described in this
2 paragraph is the date of the expiration of the 6-
3 month period that begins upon the termination by
4 the Federal Emergency Management Agency of the
5 emergency declared on March 13, 2020, by the
6 President under the Robert T. Stafford Disaster Re-
7 lief and Emergency Assistance Act (42 U.S.C. 4121
8 et seq.) relating to the Coronavirus Disease 2019
9 (COVID–19) pandemic.

10 (2) NOTICE TO VACATE AFTER SUNSET
11 DATE.—After the date described in paragraph (1),
12 the lessor of a covered dwelling may not require the
13 tenant to vacate the covered dwelling before the ex-
14 piration of the 30-day period that begins upon the
15 provision by the lessor to the tenant, after the date
16 described in paragraph (1), of a notice to vacate the
17 covered dwelling.

18 **SEC. 103. SUSPENSION OF OTHER CONSUMER LOAN PAY-**
19 **MENTS.**

20 (a) IN GENERAL.—During the COVID–19 emer-
21 gency, a debt collector may not, with respect to a debt
22 of a consumer (other than debt related to a federally re-
23 lated mortgage loan)—

24 (1) capitalize unpaid interest;

1 (2) apply a higher interest rate triggered by the
2 nonpayment of a debt to the debt balance;

3 (3) charge a fee triggered by the nonpayment of
4 a debt;

5 (4) sue or threaten to sue for nonpayment of a
6 debt;

7 (5) continue litigation to collect a debt that was
8 initiated before the date of enactment of this section;

9 (6) submit or cause to be submitted a confes-
10 sion of judgment to any court;

11 (7) enforce a security interest through reposses-
12 sion, limitation of use, or foreclosure;

13 (8) take or threaten to take any action to en-
14 force collection, or any adverse action for non-
15 payment of a debt, or for nonappearance at any
16 hearing relating to a debt;

17 (9) commence or continue any action to cause
18 or to seek to cause the collection of a debt, including
19 pursuant to a court order issued before the end of
20 the 120-day period following the end of the COVID–
21 19 emergency, from wages, Federal benefits, or
22 other amounts due to a consumer by way of garnish-
23 ment, deduction, offset, or other seizure;

24 (10) cause or seek to cause the collection of a
25 debt, including pursuant to a court order issued be-

1 fore the end of the 120-day period following the end
2 of the COVID–19 emergency, by levying on funds
3 from a bank account or seizing any other assets of
4 a consumer;

5 (11) commence or continue an action to evict a
6 consumer from real or personal property; or

7 (12) disconnect or terminate service from utility
8 service, including electricity, natural gas, tele-
9 communications or broadband, water, or sewer.

10 (b) RULE OF CONSTRUCTION.—Nothing in this sec-
11 tion may be construed to prohibit a consumer from volun-
12 tarily paying, in whole or in part, a debt.

13 (c) REPAYMENT PERIOD.—After the expiration of the
14 COVID–19 emergency, with respect to a debt described
15 under subsection (a), a debt collector—

16 (1) may not add to the debt balance any inter-
17 est or fee prohibited by subsection (a);

18 (2) shall, for credit with a defined term or pay-
19 ment period, extend the time period to repay the
20 debt balance by 1 payment period for each payment
21 that a consumer missed during the COVID–19
22 emergency, with the payments due in the same
23 amounts and at the same intervals as the pre-exist-
24 ing payment schedule;

1 (3) shall, for an open end credit plan (as de-
2 fined under section 103 of the Truth in Lending
3 Act) or other credit without a defined term, allow
4 the consumer to repay the debt balance in a manner
5 that does not exceed the amounts permitted by for-
6 mulas under section 170(c) of the Truth in Lending
7 Act and regulations promulgated thereunder;

8 (4) shall, when the consumer notifies the debt
9 collector, offer reasonable and affordable repayment
10 plans, loan modifications, refinancing, options with a
11 reasonable time in which to repay the debt.

12 (d) COMMUNICATIONS IN CONNECTION WITH THE
13 COLLECTION OF A DEBT.—

14 (1) IN GENERAL.—During the COVID-19
15 emergency, without prior consent of a consumer
16 given directly to a debt collector during the COVID-
17 19 emergency, or the express permission of a court
18 of competent jurisdiction, a debt collector may only
19 communicate in writing in connection with the col-
20 lection of any debt (other than debt related to a fed-
21 erally related mortgage loan).

22 (2) REQUIRED DISCLOSURES.—

23 (A) IN GENERAL.—All written communica-
24 tions described under paragraph (1) shall in-
25 form the consumer that the communication is

1 for informational purposes and is not an at-
2 tempt to collect a debt.

3 (B) REQUIREMENTS.—The disclosure re-
4 quired under subparagraph (A) shall be made—

5 (i) in type or lettering not smaller
6 than 14-point bold type;

7 (ii) separate from any other disclo-
8 sure;

9 (iii) in a manner designed to ensure
10 that the recipient sees the disclosure clear-
11 ly;

12 (iv) in English and Spanish and in
13 any additional languages in which the debt
14 collector communicates, including the lan-
15 guage in which the loan was negotiated, to
16 the extent known by the debt collector; and

17 (v) may be provided by first-class mail
18 or electronically, if the borrower has other-
19 wise consented to electronic communication
20 with the debt collector and has not revoked
21 such consent.

22 (C) ORAL NOTIFICATION.—Any oral notifi-
23 cation shall be provided in the language the
24 debt collector otherwise uses to communicate
25 with the borrower.

1 (D) WRITTEN TRANSLATIONS.—In pro-
2 viding written notifications in languages other
3 than English in this Section, a debt collector
4 may rely on written translations developed by
5 the Bureau of Consumer Financial Protection.

6 (e) VIOLATIONS.—

7 (1) IN GENERAL.—Any person who violates this
8 section shall—

9 (A) except as provided under subparagraph
10 (B), be subject to civil liability in accordance
11 with section 813 of the Fair Debt Collection
12 Practices Act, as if the person is a debt col-
13 lector for purposes of that section; and

14 (B) be liable to the consumer for an
15 amount 10 times the amounts described in such
16 section 813, for each violation.

17 (2) PREDISPUTE ARBITRATION AGREEMENTS.—

18 Notwithstanding any other provision of law, no
19 predispute arbitration agreement or predispute joint-
20 action waiver shall be valid or enforceable with re-
21 spect to a dispute brought under this section, includ-
22 ing a dispute as to the applicability of this section,
23 which shall be determined under Federal law.

24 (f) TOLLING.—Except as provided in subsection

25 (g)(5), any applicable time limitations, including statutes

1 of limitations, related to a debt under Federal or State
2 law shall be tolled during the COVID–19 emergency.

3 (g) CLAIMS OF AFFECTED CREDITORS AND DEBT
4 COLLECTORS.—

5 (1) VALUATION OF PROPERTY.—With respect
6 to any action asserting a taking under the Fifth
7 Amendment of the Constitution of the United States
8 as a result of this section or seeking a declaratory
9 judgment regarding the constitutionality of this sec-
10 tion, the value of the property alleged to have been
11 taken without just compensation shall be evalu-
12 ated—

13 (A) with consideration of the likelihood of
14 full and timely payment of the obligation with-
15 out the actions taken pursuant to this section;
16 and

17 (B) without consideration of any assistance
18 provided directly or indirectly to the consumer
19 from other Federal, State, and local govern-
20 ment programs instituted or legislation enacted
21 in response to the COVID–19 emergency.

22 (2) SCOPE OF JUST COMPENSATION.—In an ac-
23 tion described in paragraph (1), any assistance or
24 benefit provided directly or indirectly to the person
25 from other Federal, State, and local government

1 programs instituted in or legislation enacted re-
2 sponse to the COVID–19 emergency, shall be
3 deemed to be compensation for the property taken,
4 even if such assistance or benefit is not specifically
5 provided as compensation for property taken by this
6 section.

7 (3) APPEALS.—Any appeal from an action
8 under this section shall be treated under section 158
9 of title 28, United States Code, as if it were an ap-
10 peal in a case under title 11, United States Code.

11 (4) REPOSE.—Any action asserting a taking
12 under the Fifth Amendment to the Constitution of
13 the United States as a result of this section shall be
14 brought within not later than 180 days after the end
15 of the COVID–19 emergency.

16 (h) CREDIT FACILITY FOR OTHER PURPOSES.—

17 (1) ESTABLISHMENT.—The Board of Governors
18 of the Federal Reserve System shall establish a facil-
19 ity that the Board of Governors shall use to make
20 payments to covered financial institutions to com-
21 pensate such institutions for documented financial
22 losses caused by the suspension of payments re-
23 quired under this section.

24 (2) COVERED FINANCIAL INSTITUTION DE-
25 FINED.—In this subsection, the term “covered finan-

1 cial institution” means the holder of a loan described
2 under this section.

3 (i) DEFINITIONS.—In this section:

4 (1) CONSUMER.—The term “consumer” means
5 any individual obligated or allegedly obligated to pay
6 any debt.

7 (2) COVID–19 EMERGENCY.—The term
8 “COVID–19 emergency” means the period that be-
9 gins upon the date of the enactment of this Act and
10 ends on the date of the termination by the Federal
11 Emergency Management Agency of the emergency
12 declared on March 13, 2020, by the President under
13 the Robert T. Stafford Disaster Relief and Emer-
14 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
15 ing to the Coronavirus Disease 2019 (COVID–19)
16 pandemic.

17 (3) CREDITOR.—The term “creditor” means—

18 (A) any person who offers or extends cred-
19 it creating a debt or to whom a debt is owed
20 or other obligation for payment;

21 (B) any lessor of real or personal property;

22 or

23 (C) any provider of utility services.

24 (4) DEBT.—The term “debt”—

1 (A) means any obligation or alleged obliga-
2 tion that is or during the COVID emergency
3 becomes past due—

4 (i) for which the original agreement,
5 or if there is no agreement, the original ob-
6 ligation to pay was created before the
7 COVID emergency, whether or not such
8 obligation has been reduced to judgment;
9 and

10 (ii) that arises out of a transaction
11 with a consumer; and

12 (B) does not include a federally related
13 mortgage loan.

14 (5) DEBT COLLECTOR.—The term “debt col-
15 lector” means a creditor, and any person or entity
16 that engages in the collection of debt, including the
17 Federal Government and a State government, irre-
18 spective of whether the debt is allegedly owed to or
19 assigned to that person or to the entity.

20 (6) FEDERALLY RELATED MORTGAGE LOAN.—
21 The term “federally related mortgage loan” has the
22 meaning given that term under section 3 of the Real
23 Estate Settlement Procedures Act of 1974 (12
24 U.S.C. 2602).

1 **SEC. 104. EMERGENCY RENTAL ASSISTANCE.**

2 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
3 authorized to be appropriated for grants under the Emer-
4 gency Solutions Grants program under subtitle B of title
5 IV of the McKinney-Vento Homeless Assistance Act (42
6 U.S.C. 11371 et seq.) \$100,000,000,000 for grants under
7 such subtitle only for providing rental assistance in ac-
8 cordance with section 415(a)(4) of such Act (42 U.S.C.
9 11374(a)(4)) and this section to respond to needs arising
10 from the emergency declared on March 13, 2020, by the
11 President under the Robert T. Stafford Disaster Relief
12 and Emergency Assistance Act (42 U.S.C. 4121 et seq.)
13 relating to the Coronavirus Disease 2019 (COVID–19)
14 pandemic.

15 (b) INCOME TARGETING.—For purposes of assistance
16 made available with amounts made available pursuant to
17 subsection (a)—

18 (1) section 401(1)(A) of the McKinney-Vento
19 Homeless Assistance Act (42 U.S.C. 11360(1)(A))
20 shall be applied by substituting “80 percent” for
21 “30 percent”; and

22 (2) each grantee of such amounts shall use not
23 less than 50 percent of the amounts received only
24 for providing assistance for persons or families expe-
25 riencing homelessness or at risk of homelessness,
26 who have incomes not exceeding 50 percent of the

1 median income for the relevant geographic area; ex-
2 cept that the Secretary may waive the requirement
3 under this paragraph if the grantee demonstrates to
4 the satisfaction of the Secretary that the population
5 in the geographic area served by the grantee having
6 such incomes is sufficiently being served with respect
7 to activities eligible for funding with such amounts.

8 (c) DEFINITION OF AT RISK OF HOMELESSNESS.—

9 For purposes of assistance made available with amounts
10 made available pursuant to subsection (a), section 401(1)
11 of the McKinney-Vento Homeless Assistance Act shall be
12 applied, during the period that begins on the date of the
13 enactment of this Act and ends upon the expiration of the
14 6-month period that begins upon the termination by the
15 Federal Emergency Management Agency of the emergency
16 declared on March 13, 2020, by the President under the
17 Robert T. Stafford Disaster Relief and Emergency Assist-
18 ance Act (42 U.S.C. 4121 et seq.) relating to the
19 Coronavirus Disease 2019 (COVID–19) pandemic, as if
20 subparagraph (C) were repealed.

21 (d) 3-YEAR AVAILABILITY.—Each grantee of
22 amounts made available pursuant to subsection (a) shall
23 expend—

1 (1) at least 60 percent of such grant amounts
2 within 2 years of the date that such funds became
3 available to the grantee for obligation; and

4 (2) 100 percent of such grant amounts within
5 3 years of such date.

6 The Secretary may recapture any amounts not expended
7 in compliance with paragraph (1) of this subsection and
8 reallocate such amounts to grantees in compliance with
9 the formula referred to in subsection (h)(1)(A) of this sec-
10 tion.

11 (e) RENT RESTRICTIONS.—Paragraph (1) of section
12 576.106(d) of the Secretary’s regulations (24 C.F.R.
13 576.106(d)(1)) shall be applied, with respect to rental as-
14 sistance made available with amounts made available pur-
15 suant to subsection (a), by substituting “120 percent of
16 the Fair Market Rent” for “the Fair Market Rent”.

17 (f) SUBLEASES.—Notwithstanding the second sen-
18 tence of subsection (g) of section 576.106 of the Sec-
19 retary’s regulations (24 C.F.R. 576.106(g)), a program
20 participant may sublet, with rental assistance made avail-
21 able with amounts made available pursuant to subsection
22 (a) of this section, a dwelling unit from a renter of the
23 dwelling unit if there is a legally binding, written lease
24 agreement for such sublease.

1 (g) HOUSING RELOCATION OR STABILIZATION AC-
2 TIVITIES.—A grantee of amounts made available pursuant
3 to subsection (a) may expend up to 20 percent of its allo-
4 cation for activities under section 415(a)(5) of the McKin-
5 ney-Vento Homeless Assistance Act (42 U.S.C.
6 11374(a)(5)).

7 (h) ALLOCATION OF ASSISTANCE.—

8 (1) IN GENERAL.—In allocating amounts made
9 available pursuant to subsection (a), the Secretary of
10 Housing and Urban Development shall—

11 (A) not later than 30 days after the date
12 of the enactment of this Act, allocate any such
13 amounts that do not exceed \$50,000,000,000
14 under the formula specified in subsections (a),
15 (b), and (e) of section 414 of the McKinney-
16 Vento Homeless Assistance Act (42 U.S.C.
17 11373) to, and notify, each State, metropolitan
18 city, and urban county that is to receive a di-
19 rect grant of such amounts; and

20 (B) not later than 120 days after the date
21 of the enactment of this Act, allocate any re-
22 maining amounts to eligible grantees by a for-
23 mula to be developed by the Secretary of Hous-
24 ing and Urban Development that takes into
25 consideration the formula referred to in sub-

1 paragraph (A) of this paragraph, and the need
2 for emergency rental assistance under this sec-
3 tion, including severe housing cost burden
4 among extremely low- and very low-income
5 renters and disruptions in housing and eco-
6 nomic conditions, including unemployment.

7 (2) ALLOCATIONS TO STATES.—A State recipi-
8 ent of an allocation under this section may elect to
9 directly administer up to 50 percent of its allocation
10 to carry out activities eligible under this section.

11 (3) ELECTION NOT TO ADMINISTER.—If a
12 grantee elects not to receive funds under this sec-
13 tion, such funds shall be allocated to the State re-
14 cipient in which the grantee is located.

15 (i) INAPPLICABILITY OF MATCHING REQUIRE-
16 MENT.—Subsection (a) of section 416 of the McKinney-
17 Vento Homeless Assistance Act (42 U.S.C. 11375(a))
18 shall not apply to any amounts made available pursuant
19 to subsection (a) of this section.

20 (j) PROHIBITION ON PREREQUISITES.—None of the
21 funds authorized under this section may be used to require
22 people experiencing homelessness to receive treatment or
23 perform any other prerequisite activities as a condition for
24 receiving shelter, housing, or other services.

25 (k) PUBLIC HEARINGS.—

1 (1) INAPPLICABILITY OF IN-PERSON HEARING
2 REQUIREMENTS.—A grantee may not be required to
3 hold in-person public hearings in connection with its
4 citizen participation plan, but shall provide citizens
5 with notice and a reasonable opportunity to com-
6 ment of not less than 15 days. Following the period
7 that begins upon the date of the enactment of this
8 Act and ends upon the date of the termination by
9 the Federal Emergency Management Agency of the
10 emergency declared on March 13, 2020, by the
11 President under the Robert T. Stafford Disaster Re-
12 lief and Emergency Assistance Act (42 U.S.C. 4121
13 et seq.) relating to the Coronavirus Disease 2019
14 (COVID–19) pandemic, and after the period de-
15 scribed in paragraph (2), the Secretary shall direct
16 grantees to resume pre-crisis public hearing require-
17 ments.

18 (2) VIRTUAL PUBLIC HEARINGS.—During the
19 period that national or local health authorities rec-
20 ommend social distancing and limiting public gath-
21 erings for public health reasons, a grantee may ful-
22 fill applicable public hearing requirements for all
23 grants from funds made available pursuant to this
24 section by carrying out virtual public hearings. Any
25 such virtual hearings shall provide reasonable notifi-

1 cation and access for citizens in accordance with the
2 grantee’s certifications, timely responses from local
3 officials to all citizen questions and issues, and pub-
4 lic access to all questions and responses.

5 (l) ADMINISTRATION.—Of any amounts made avail-
6 able pursuant to subsection (a), not more than the lesser
7 of 0.5 percent, or \$15,000,000, may be used for staffing,
8 training, technical assistance, technology, monitoring, re-
9 search, and evaluation activities necessary to carry out the
10 program carried out under this section, and such amounts
11 shall remain available until September 30, 2024.

12 **SEC. 105. EMERGENCY HOMELESS ASSISTANCE.**

13 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
14 authorized to be appropriated under the Emergency Solu-
15 tions Grants program under subtitle B of title IV of the
16 McKinney-Vento Homeless Assistance Act (42 U.S.C.
17 11371 et seq.) \$15,500,000,000 for grants under such
18 subtitle in accordance with this section to respond to needs
19 arising from the public health emergency relating to
20 Coronavirus Disease 2019 (COVID–19).

21 (b) FORMULA.—Notwithstanding sections 413 and
22 414 of the McKinney-Vento Homeless Assistance Act (42
23 U.S.C. 11372, 11373), the Secretary of Housing and
24 Urban Development (in this Act referred to as the “Sec-
25 retary”) shall allocate amounts made available pursuant

1 to subsection (a) in accordance with a formula to be estab-
2 lished by the Secretary that takes into consideration the
3 following factors:

4 (1) Risk of transmission of coronavirus in a ju-
5 risdiction.

6 (2) Whether a jurisdiction has a high number
7 or rate of sheltered and unsheltered homeless indi-
8 viduals and families.

9 (3) Economic and housing market conditions in
10 a jurisdiction.

11 (c) ELIGIBLE ACTIVITIES.—In addition to eligible ac-
12 tivities under section 415(a) of the McKinney-Vento
13 Homeless Assistance Act (42 U.S.C. 11374(a), amounts
14 made available pursuant to subsection (a) may also be
15 used for costs of the following activities:

16 (1) Providing training on infectious disease pre-
17 vention and mitigation.

18 (2) Providing hazard pay, including for time
19 worked before the effectiveness of this clause, for
20 staff working directly to prevent and mitigate the
21 spread of coronavirus or COVID–19 among people
22 experiencing or at risk of homelessness.

23 (3) Reimbursement of costs for eligible activi-
24 ties (including activities described in this paragraph)
25 relating to preventing, preparing for, or responding

1 to the coronavirus or COVID–19 that were accrued
2 before the date of the enactment of this Act.

3 Use of such amounts for activities described in this para-
4 graph shall not be considered use for administrative pur-
5 poses for purposes of section 418 of the McKinney-Vento
6 Homeless Assistance Act (42 U.S.C. 11377).

7 (d) INAPPLICABILITY OF PROCUREMENT STAND-
8 ARDS.—To the extent amounts made available pursuant
9 to subsection (a) are used to procure goods and services
10 relating to activities to prevent, prepare for, or respond
11 to the coronavirus or COVID–19, the standards and re-
12 quirements regarding procurement that are otherwise ap-
13 plicable shall not apply.

14 (e) INAPPLICABILITY OF HABITABILITY AND ENVI-
15 RONMENTAL REVIEW STANDARDS.—Any Federal stand-
16 ards and requirements regarding habitability and environ-
17 mental review shall not apply with respect to any emer-
18 gency shelter that is assisted with amounts made available
19 pursuant to subsection (a) and has been determined by
20 a State or local health official, in accordance with such
21 requirements as the Secretary shall establish, to be nec-
22 essary to prevent and mitigate the spread of coronavirus
23 or COVID–19, such shelters.

24 (f) INAPPLICABILITY OF CAP ON EMERGENCY SHEL-
25 TER ACTIVITIES.—Subsection (b) of section 415 of the

1 McKinney-Vento Homeless Assistance Act shall not apply
2 to any amounts made available pursuant to subsection
3 (a)(1) of this section.

4 (g) INITIAL ALLOCATION OF ASSISTANCE.—Section
5 417(b) of the McKinney-Vento Homeless Assistance Act
6 (42 U.S.C. 11376(b)) shall be applied with respect to
7 amounts made available pursuant to subsection (a) by
8 substituting “30-day” for “60-day”.

9 (h) WAIVERS AND ALTERNATIVE REQUIREMENTS.—

10 (1) AUTHORITY.—In administering amounts
11 made available pursuant to subsection (a), the Sec-
12 retary may waive, or specify alternative require-
13 ments for, any provision of any statute or regulation
14 (except for any requirements related to fair housing,
15 nondiscrimination, labor standards, and the environ-
16 ment) that the Secretary administers in connection
17 with the obligation or use by the recipient of such
18 amounts, if the Secretary finds that good cause ex-
19 ists for the waiver or alternative requirement and
20 such waiver or alternative requirement is consistent
21 with the purposes described in this subsection.

22 (2) EFFECTIVENESS; APPLICABILITY.—Any
23 such waivers shall be deemed to be effective as of
24 the date a State or unit of local government began
25 preparing for coronavirus and shall apply to the use

1 of amounts made available pursuant to subsection
2 (a) and amounts provided in prior appropriation
3 Acts for fiscal year 2020 under the heading “De-
4 partment of Housing and Urban Development—
5 Community Planning and Development—Commu-
6 nity Development Fund” and used by recipients for
7 the purposes described in this subsection.

8 (3) NOTIFICATION.—The Secretary shall notify
9 the public through the Federal Register or other ap-
10 propriate means 5 days before the effective date of
11 any such waiver or alternative requirement, and any
12 such public notice may be provided on the Internet
13 at the appropriate Government web site or through
14 other electronic media, as determined by the Sec-
15 retary.

16 (4) EXEMPTION.—The use of amounts made
17 available pursuant to subsection (a) shall not be sub-
18 ject to the consultation, citizen participation, or
19 match requirements that otherwise apply to the
20 Emergency Solutions Grants program, except that a
21 recipient shall publish how it has and will utilize its
22 allocation at a minimum on the Internet at the ap-
23 propriate Government web site or through other
24 electronic media.

1 (i) INAPPLICABILITY OF MATCHING REQUIRE-
2 MENT.—Subsection (a) of section 416 of the McKinney-
3 Vento Homeless Assistance Act (42 U.S.C. 11375(a))
4 shall not apply to any amounts made available pursuant
5 to subsection (a) of this section.

6 (j) PROHIBITION ON PREREQUISITES.—None of the
7 funds authorized under this section may be used to require
8 people experiencing homelessness to receive treatment or
9 perform any other prerequisite activities as a condition for
10 receiving shelter, housing, or other services.

11 **SEC. 106. PARTICIPATION OF INDIAN TRIBES AND TRIB-**
12 **ALLY DESIGNATED HOUSING ENTITIES IN**
13 **CONTINUUM OF CARE PROGRAM.**

14 (a) IN GENERAL.—Title IV of the McKinney-Vento
15 Homeless Assistance Act (42 U.S.C. 11360 et seq.) is
16 amended—

17 (1) in section 401 (42 U.S.C. 11360)—

18 (A) by redesignating paragraphs (10)
19 through (33) as paragraphs (12) through (35),
20 respectively;

21 (B) by redesignating paragraphs (8) and
22 (9) as paragraphs (9) and (10), respectively;

23 (C) by inserting after paragraph (7) the
24 following:

1 “(2) receive grant amounts from another entity
2 that receives a grant directly from the Secretary,
3 and use the amounts in accordance with this sub-
4 title.”.

5 (b) TECHNICAL AND CONFORMING AMENDMENT.—
6 The table of contents in section 101(b) of the McKinney-
7 Vento Homeless Assistance Act (Public Law 100–77; 101
8 Stat. 482) is amended by inserting after the item relating
9 to section 434 the following:

 “Sec. 435. Participation of Indian Tribes and tribally designated housing enti-
 ties.”.

10 **SEC. 107. HOUSING ASSISTANCE FUND.**

11 (a) DEFINITIONS.—In this section:

12 (1) SECRETARY.—The term “Secretary” means
13 the Secretary of the Treasury.

14 (2) STATE.—The term “State” means any
15 State of the United States, the District of Columbia,
16 any territory of the United States, Puerto Rico,
17 Guam, American Samoa, the Virgin Islands, and the
18 Northern Mariana Islands.

19 (b) ESTABLISHMENT OF FUND.—There is estab-
20 lished at the Department of the Treasury a Housing As-
21 sistance Fund to provide such funds as are allocated in
22 subsection (f) to State housing finance agencies for the
23 purpose of preventing homeowner mortgage defaults, fore-

1 closures, and displacements of individuals and families ex-
2 periencing financial hardship after January 21, 2020.

3 (c) ALLOCATION OF FUNDS.—

4 (1) IN GENERAL.—The Secretary of the Treas-
5 ury shall establish such criteria as are necessary to
6 allocate the funds available within the Housing As-
7 sistance Fund to each State. The Secretary shall al-
8 locate such funds among all States taking into con-
9 sideration the number of unemployment claims with-
10 in a State relative to the nationwide number of un-
11 employment claims.

12 (2) SMALL STATE MINIMUM.—Each State shall
13 receive no less than \$125,000,000 for the purposes
14 established in subsection (b).

15 (d) DISBURSEMENT OF FUNDS.—

16 (1) INITIAL DISBURSEMENT.—The Secretary
17 shall disburse to the State housing finance agencies
18 not less than $\frac{1}{2}$ of the amount made available pur-
19 suant to this section, and in accordance with the al-
20 locations established under subsection (c), not later
21 than 120 days after the date of enactment of this
22 Act. The Secretary or designee shall enter into a
23 contract with each State housing finance agency,
24 which may be amended from time to time, estab-

1 lishing the terms of the use of such funds prior to
2 the disbursement of such funds.

3 (2) SECOND DISBURSEMENT.—The Secretary
4 shall disburse all funds made available pursuant to
5 this section, and in accordance with the allocations
6 established under subsection (c), not later than 180
7 days after the date of enactment of this Act.

8 (e) PERMISSIBLE USES OF FUND.—

9 (1) IN GENERAL.—Funds made available to
10 State housing finance agencies pursuant to this sec-
11 tion may be used for the purposes established under
12 subsection (b), which may include—

13 (A) mortgage payment assistance;

14 (B) financial assistance to allow a bor-
15 rower to reinstate their mortgage following a
16 period of forbearance;

17 (C) principal reduction;

18 (D) utility payment assistance, including
19 electric, gas, and water payment assistance;

20 (E) any program established under the
21 Housing Finance Agency Innovation Fund for
22 the Hardest Hit Housing Markets;

23 (F) reimbursement of funds expended by a
24 State or local government during the period be-
25 ginning on January 21, 2020, and ending on

1 the date that the first funds are disbursed by
2 the State under the Housing Assistance Fund,
3 for the purpose of providing housing or utility
4 assistance to individuals or otherwise providing
5 funds to prevent foreclosure or eviction of a
6 homeowner or prevent mortgage delinquency or
7 loss of housing or critical utilities as a response
8 to the coronavirus disease 2019 (COVID–19)
9 pandemic; and

10 (G) any other assistance to prevent evic-
11 tion, mortgage delinquency or default, fore-
12 closure, or the loss of essential utility services.

13 (2) ADMINISTRATIVE EXPENSES.—Not greater
14 than 10 percent of the amount allocated to a State
15 pursuant to subsection (c) may be used by a State
16 housing financing agency for administrative ex-
17 penses. Any amounts allocated to administrative ex-
18 penses that are no longer necessary for administra-
19 tive expenses may be used in accordance with para-
20 graph (1).

21 (f) APPROPRIATION.—There is authorized to be ap-
22 propriated for the fiscal year ending September 30, 2020,
23 to remain available until expended or transferred or cred-
24 ited under subsection (h), \$35,000,000,000 to the Hous-
25 ing Assistance Fund established under subsection (b).

1 (g) USE OF HOUSING FINANCE AGENCY INNOVATION
2 FUND FOR THE HARDEST HIT HOUSING MARKETS
3 FUNDS.—A State housing finance agency may reallocate
4 any administrative or programmatic funds it has received
5 as an allocation from the Housing Finance Agency Inno-
6 vation Fund for the Hardest Hit Housing Markets created
7 pursuant to section 101(a) of the Emergency Economic
8 Stabilization Act of 2008 (12 U.S.C. 5211(a)) that have
9 not been otherwise allocated or disbursed as of the date
10 of enactment of this Act to supplement any administrative
11 or programmatic funds received from the Housing Assist-
12 ance Fund. Such reallocated funds shall not be considered
13 when allocating resources from the Housing Assistance
14 Fund using the process established under subsection (c)
15 and shall remain available for the uses permitted and
16 under the terms and conditions established by the contract
17 with Secretary created pursuant to subsection (d)(1) and
18 the terms of subsection (h).

19 (h) RESCISSION OF FUNDS.—Any funds that have
20 not been allocated by a State housing finance agency to
21 provide assistance as described under subsection (e) by
22 December 31, 2030, shall be reallocated by the Secretary
23 in the following manner:

24 (1) 65 percent shall be transferred or credited
25 to the Housing Trust Fund established under sec-

1 tion 1338 of the Federal Housing Enterprises Fi-
2 nancial Safety and Soundness Act of 1992 (12
3 U.S.C. 4568); and

4 (2) 35 percent shall be transferred or credited
5 to the Capital Magnet Fund under section 1339 of
6 the Federal Housing Enterprises Financial Safety
7 and Soundness Act of 1992 (12 U.S.C. 4569).

8 (i) REPORTING REQUIREMENTS.—The Secretary
9 shall provide public reports not less frequently than quar-
10 terly regarding the use of funds provided by the Housing
11 Assistance Funds. Such reports shall include the following
12 data by State and by program within each State, both for
13 the past quarter and throughout the life of the program—

14 (1) the amount of funds allocated;

15 (2) the amount of funds disbursed;

16 (3) the number of households and individuals
17 assisted;

18 (4) the acceptance rate of applicants;

19 (5) the average amount of assistance provided
20 per household receiving assistance;

21 (6) the average length of assistance provided
22 per household receiving assistance;

23 (7) the income ranges of households for each
24 household receiving assistance; and

1 (8) the outcome 12 months after the household
2 has received assistance.

3 **SEC. 108. MORTGAGE FORBEARANCE.**

4 (a) FINDINGS.—

5 (1) FINDINGS.—Congress finds that—

6 (A) the collection of debts involves the use
7 of the mails and wires and other instrumental-
8 ities of interstate commerce;

9 (B) at times of major disaster or emer-
10 gency, the income of consumers is often im-
11 paired and their necessary daily expenses often
12 increase;

13 (C) temporary forbearance benefits not
14 only consumer and small business debtors, but
15 also other creditors by avoiding downward col-
16 lateral price spirals triggered by an increase in
17 foreclosure activity;

18 (D) without forbearance, many consumers
19 and small businesses are unlikely to be able to
20 pay their obligations according to their original
21 terms and are likely to default on obligations or
22 file for bankruptcy, resulting in reduced recov-
23 eries for creditors, and in the case of bank-
24 ruptcy, no recovery of unaccrued interest;

1 (E) with forbearance, creditors are likely
2 to realize greater long-term value because con-
3 sumers and small businesses will be more likely
4 to be able to repay their obligations after the
5 major disaster or emergency has subsided;

6 (F) the legislative and administrative re-
7 sponse to major disasters and emergencies may
8 consist of multiple components divided among
9 different statutes and programs; and

10 (G) when evaluating whether property has
11 been taken from a person without just com-
12 pensation, a holistic evaluation of the burdens
13 and benefits of all legislative and administrative
14 responses, including indirect benefits from mac-
15 roeconomic stabilization, is appropriate.

16 (2) FURTHER FINDINGS REGARDING MORTGAGE
17 FORBEARANCE.—Congress further finds that—

18 (A) ensuring that consumers are able to
19 remain in their residences reduces the disrup-
20 tions and economic harm caused by such disas-
21 ters and emergencies by ensuring that con-
22 sumers are able to continue their existing em-
23 ployment, education, childcare, and healthcare
24 arrangements, which are often geographically-
25 based;

1 (B) temporary forbearance on residential
2 mortgages is therefore critical to fostering eco-
3 nomic recovery and stability in the wake of
4 major disasters or emergencies;

5 (C) temporary mortgage forbearance dur-
6 ing a declared disaster benefits not only mort-
7 gators, but also mortgagees because mortga-
8 gors' ability to pay is likely to be restored after
9 a disaster or emergency subsides, so forbear-
10 ance may increase mortgagors' total recovery.
11 Without forbearance, mortgagors are likely to
12 default or file for bankruptcy, resulting in sig-
13 nificant losses for mortgagees; and

14 (D) temporary mortgage forbearance dur-
15 ing a declared disaster also benefits the mortga-
16 gees of other properties because housing prices
17 are geographically and serially correlated so an
18 increase in foreclosures can drive down the
19 value of collateral for all mortgage lenders, fur-
20 ther destabilizing the economy.

21 (3) FURTHER FINDINGS REGARDING MORTGAGE
22 SERVICERS.—Congress further finds that—

23 (A) mortgage servicers are often contrac-
24 tually obligated to advance scheduled mortgage
25 payments to securitization investors, irrespec-

1 tive of whether the servicer collects the payment
2 from the mortgagor;

3 (B) mortgage servicers are often thinly
4 capitalized and with limited capacity for engag-
5 ing in large scale advancing of payments to
6 securitization investors;

7 (C) securitization investors have long been
8 aware of servicers' thin capitalization;

9 (D) in the wake of the 2008 financial cri-
10 sis, several servicers had difficulty obtaining
11 sufficiently liquidity to make advances;

12 (E) mortgage servicing is a heavily regu-
13 lated industry;

14 (F) in response to the 2008 financial cri-
15 sis, Congress created a safe harbor for mort-
16 gage servicers that undertook loan modifica-
17 tions;

18 (G) in response to the 2008 financial cri-
19 sis, the Home Affordable Modification Program
20 paid mortgage servicers to undertake loan
21 modifications;

22 (H) as part of the 2012 joint State-Fed-
23 eral National Mortgage Settlement, mortgage
24 servicers committed to undertaking loan modi-
25 fications; and

1 (I) investors in mortgage securitizations
2 are or should be aware of servicers' thin cap-
3 italization, liquidity constraints, the extent and
4 history of servicing regulation and therefore do
5 not have a reasonable expectation that the
6 terms of servicing contracts will be enforceable
7 at times of national financial crisis.

8 (4) DETERMINATION.—It is the sense of the
9 Congress that, on the basis of the findings described
10 under paragraphs (1), (2), and (3), the Congress de-
11 termines that the provisions of this Act are nec-
12 essary and proper for the purpose of carrying into
13 execution the powers of the Congress to regulate
14 commerce among the several States and to establish
15 uniform bankruptcy laws.

16 (b) PROHIBITION ON FORECLOSURES AND REPOS-
17 SESSIONS DURING THE COVID-19 EMERGENCY.—

18 (1) PROHIBITION ON FORECLOSURES.—The
19 Real Estate Settlement Procedures Act of 1974 (12
20 U.S.C. 2601 et seq.) is amended—

21 (A) in section 3 (12 U.S.C. 2602)—

22 (i) in paragraph (8), by striking
23 “and” at the end;

1 (ii) in paragraph (9), by striking the
2 period at the end and inserting “; and”;
3 and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(10) the term ‘COVID–19 emergency’ means
7 the period that begins upon the date of the enact-
8 ment of this Act and ends on the date of the termi-
9 nation by the Federal Emergency Management
10 Agency of the emergency declared on March 13,
11 2020, by the President under the Robert T. Stafford
12 Disaster Relief and Emergency Assistance Act (42
13 U.S.C. 4121 et seq.) relating to the Coronavirus
14 Disease 2019 (COVID–19) pandemic.”; and

15 (B) in section 6(k)(1) (12 U.S.C.
16 2605(k)(1))—

17 (i) in subparagraph (D), by striking
18 “or” at the end;

19 (ii) by redesignating subparagraph
20 (E) as subparagraph (G); and

21 (iii) by inserting after subparagraph
22 (D) the following:

23 “(E) commence or continue any judicial
24 foreclosure action or non-judicial foreclosure
25 process or any action to evict a consumer fol-

1 lowing a foreclosure during the COVID–19
2 emergency or the 180-day period following such
3 emergency (except that such prohibition shall
4 not apply to a mortgage secured by a dwelling
5 that the servicer has determined after exer-
6 cising reasonable diligence is vacant or aban-
7 doned);

8 “(F) fail to toll the time in a foreclosure
9 process on a property during the COVID–19
10 emergency or the 180-day period following such
11 emergency (except that such prohibition shall
12 not apply to a mortgage secured by a dwelling
13 that the servicer has determined after exer-
14 cising reasonable diligence is vacant or aban-
15 doned); or”.

16 (2) REPOSSESSION PROHIBITION.—During the
17 COVID–19 emergency and for the 180-day period
18 following such emergency, a servicer of a consumer
19 loan secured by a manufactured home or a motor ve-
20 hicle may not repossess such home or vehicle.

21 (c) FORBEARANCE OF RESIDENTIAL MORTGAGE
22 LOAN PAYMENTS FOR SINGLE FAMILY PROPERTIES (1–
23 4 UNITS).—Section 6 of the Real Estate Settlement Pro-
24 cedures Act of 1974 (12 U.S.C. 2605) is amended by add-
25 ing at the end the following:

1 “(n) FORBEARANCE DURING THE COVID–19 EMER-
2 GENCY.—

3 “(1) CONSUMER RIGHT TO REQUEST A FOR-
4 BEARANCE.—

5 “(A) REQUEST FOR FORBEARANCE.—A
6 borrower experiencing a financial hardship dur-
7 ing the COVID–19 emergency may request for-
8 bearance from any mortgage obligation, regard-
9 less of delinquency status, by submitting a re-
10 quest to the borrower’s servicer, either orally or
11 in writing, affirming that the borrower is expe-
12 riencing hardship during the COVID–19 emer-
13 gency. A borrow shall not be required to provide
14 any additional documentation to receive such
15 forbearance.

16 “(B) LENGTH OF FORBEARANCE; EXTEN-
17 SION.—A forbearance requested pursuant to
18 subparagraph (A) shall be provided for a period
19 of 180 days, and may be extended upon request
20 of the borrower for an additional 180 days.

21 “(C) TREATMENT OF TENANTS.—A bor-
22 rower receiving a forbearance under this sub-
23 section with respect to a mortgage secured by
24 a dwelling that has tenants, whether or not the
25 borrower also lives in the dwelling, shall provide

1 the tenants with rent relief for a period not less
2 than the period covered by the forbearance.

3 “(2) AUTOMATIC FORBEARANCE FOR DELIN-
4 QUENT BORROWERS.—

5 “(A) IN GENERAL.—Notwithstanding any
6 other law governing forbearance relief, during
7 the COVID–19 emergency, any borrower who is
8 or becomes 60 days or more delinquent on a
9 mortgage obligation shall automatically be
10 granted a 180-day forbearance, which may be
11 extended upon request of the borrower for an
12 additional 180 days. Such a borrower may elect
13 to continue making regular payments by noti-
14 fying the servicer of the mortgage obligation of
15 such election.

16 “(B) NOTICE TO BORROWER.—The
17 servicer of a mortgage obligation placed in for-
18 bearance pursuant to subparagraph (A) shall
19 provide the borrower written notification of the
20 forbearance and its duration as well as informa-
21 tion about available loss mitigation options and
22 the right to end the forbearance and resume
23 making regular payments.

24 “(C) TREATMENT OF PAYMENTS DURING
25 FORBEARANCE.—Any payments made by the

1 borrower during the forbearance period shall be
2 credited to the borrower’s account in accord-
3 ance with section 129F of the Truth in Lending
4 Act (15 U.S.C. 1639f) or as the borrower may
5 otherwise instruct that is consistent with the
6 terms of the mortgage loan contract.

7 “(3) REQUIREMENTS FOR SERVICERS.—

8 “(A) NOTIFICATION.—

9 “(i) IN GENERAL.—Each servicer of a
10 federally related mortgage loan shall notify
11 the borrower of their right to request for-
12 bearance under paragraph (1)—

13 “(I) not later than 14 days after
14 the date of enactment of this sub-
15 section; and

16 “(II) until the end of COVID–19
17 emergency—

18 “(aa) on each periodic state-
19 ment provided to the borrower;
20 and

21 “(bb) in any oral or written
22 communication by the servicer
23 with or to the borrower.

24 “(ii) MANNER OF NOTIFICATION.—

1 “(I) WRITTEN NOTIFICATION.—
2 Any written notification required
3 under this section—

4 “(aa) shall be provided—

5 “(AA) in English and
6 Spanish and in any addi-
7 tional languages in which
8 the servicer communicates,
9 including the language in
10 which the loan was nego-
11 tiated, to the extent known
12 by the servicer; and

13 “(BB) at least as clear-
14 ly and conspicuously as the
15 most clear and conspicuous
16 disclosure on the document;

17 “(bb) shall include the noti-
18 fication of the availability of lan-
19 guage assistance and housing
20 counseling produced by the Fed-
21 eral Housing Finance Agency
22 under subsection (o); and

23 “(cc) may be provided by
24 first-class mail or electronically,
25 if the borrower has otherwise

1 consented to electronic commu-
2 nication with the servicer and has
3 not revoked such consent.

4 “(II) ORAL NOTIFICATION.—Any
5 oral notification required under clause
6 (i) shall be provided in the language
7 the servicer otherwise uses to commu-
8 nicate with the borrower.

9 “(III) WRITTEN TRANS-
10 LATIONS.—In providing written notifi-
11 cations in languages other than
12 English under subclause (I), a
13 servicer may rely on written trans-
14 lations developed by the Federal
15 Housing Finance Agency or the Bu-
16 reau.

17 “(B) OTHER REQUIREMENTS.—

18 “(i) FORBEARANCE REQUIRED.—
19 Upon receiving a request for forbearance
20 from a consumer under paragraph (1) or
21 placing a borrower in automatic forbear-
22 ance under paragraph (2), a servicer shall
23 provide the forbearance for not less than
24 180 days, and an additional 180 days at
25 the request of the borrower, provided that

1 the borrower will have the option to dis-
2 continue the forbearance at any time.

3 “(ii) PROHIBITION ON FEES, PEN-
4 ALTIES, AND INTEREST.—During the pe-
5 riod of a forbearance under this sub-
6 section, no fees, penalties or additional in-
7 terest beyond the amounts scheduled or
8 calculated as if the borrower made all con-
9 tractual payments on time and in full
10 under the terms of the mortgage contract
11 in effect at the time the borrower enters
12 into the forbearance shall accrue.

13 “(iii) TREATMENT OF ESCROW PAY-
14 MENTS.—If a borrower in forbearance
15 under this subsection is required to make
16 payments to an escrow account, the
17 servicer shall pay or advance the escrow
18 disbursements in a timely manner (defined
19 as on or before the deadline to avoid a
20 penalty), regardless of the status of the
21 borrower’s payments. The servicer may col-
22 lect any resulting escrow shortage or defi-
23 ciency from the borrower after the forbear-
24 ance period ends, in a lump sum payment,

1 spread over 60 months, or capitalized into
2 the loan, at the borrower's election.”.

3 (d) NOTIFICATION OF LANGUAGE ASSISTANCE AND
4 HOUSING COUNSELING.—Section 6 of the Real Estate
5 Settlement Procedures Act of 1974 (12 U.S.C. 2605), as
6 amended by subsection (c), is further amended by adding
7 at the end the following:

8 “(o) NOTIFICATION OF LANGUAGE ASSISTANCE AND
9 HOUSING COUNSELING.—

10 “(1) IN GENERAL.—The Federal Housing Fi-
11 nance Agency shall, within 30 days of the date of
12 enactment of this Act, make available a document
13 providing notice of the availability of language as-
14 sistance and housing counseling in substantially the
15 same form, and in at least the same languages, as
16 the existing Language Translation Disclosure.

17 “(2) MINIMUM REQUIREMENT.—The document
18 described under subsection (a) shall include the no-
19 tice in at least all the languages for which Federal
20 Housing Finance Agency currently has translations
21 on its existing Language Translation Disclosure
22 available.

23 “(3) PROVISION TO SERVICERS.—The Federal
24 Housing Finance Agency shall make this document

1 available to servicers to fulfill their requirements
2 under subsection (n).”.

3 (e) UNITED STATES DEPARTMENT OF AGRICULTURE
4 DIRECT LOAN PROGRAM.—Section 505 of the Housing
5 Act of 1949 (42 U.S.C. 1475) is amended—

6 (1) by redesignating subsection (b) as sub-
7 section (c); and

8 (2) by inserting after subsection (a) the fol-
9 lowing:

10 “(b) LOAN MODIFICATION.—

11 “(1) IN GENERAL.—The Secretary shall imple-
12 ment a loan modification program to modify the
13 terms of outstanding loans for borrowers who face
14 financial hardship.

15 “(2) AFFORDABLE PAYMENTS.—The Sec-
16 retary’s loan modification program under paragraph
17 (1) shall be designed so as to provide affordable pay-
18 ments for borrowers. In defining ‘affordable pay-
19 ments’ the Secretary shall consult definitions of af-
20 fordability promulgated by the Federal Housing Fi-
21 nance Authority, the Department of Housing and
22 Urban Development, and the Bureau of Consumer
23 Financial Protection.

24 “(3) ADDITIONAL PROGRAM REQUIREMENTS.—
25 The Secretary’s loan modification program under

1 paragraph (1) shall allow for measures including ex-
2 tension of the remaining loan term to up to 480
3 months and a reduction in interest rate to the mar-
4 ket interest rate as defined by regulations of the
5 Secretary. The modification program shall be avail-
6 able for borrowers in a moratorium and for bor-
7 rowers not already in a moratorium who qualify
8 under the terms established by the Secretary. The
9 Secretary may also establish reasonable additional
10 measures for providing affordable loan modifications
11 to borrowers”;

12 (3) in subsection (c), as so redesignated, by
13 adding at the end the following: “Acceleration of the
14 promissory note and initiation of foreclosure pro-
15 ceedings shall not terminate a borrower’s eligibility
16 for a moratorium, loan reamortization, special serv-
17 icing, or other foreclosure alternative.”; and

18 (4) by adding at the end the following:

19 “(d) REQUIREMENT.—The Secretary shall comply
20 with subsection (k)(1), (n), and (o) of section 6 of the
21 Real Estate Settlement Procedures Act of 1974 with re-
22 spect to any single-family loans it holds or services.”.

23 (f) FORBEARANCE OF RESIDENTIAL MORTGAGE
24 LOAN PAYMENTS FOR MULTIFAMILY PROPERTIES (5+
25 UNITS).—

1 (1) IN GENERAL.—During the COVID–19
2 emergency, a multifamily borrower experiencing a fi-
3 nancial hardship due, directly or indirectly, to the
4 COVID–19 emergency may request a forbearance
5 under the terms set forth in this section.

6 (2) REQUEST FOR RELIEF.—A multifamily bor-
7 rower may submit a request for forbearance under
8 paragraph (1) to the borrower’s servicer, either oral-
9 ly or in writing, affirming that the multifamily bor-
10 rower is experiencing hardship during the COVID–
11 19 emergency.

12 (3) FORBEARANCE PERIOD.—

13 (A) IN GENERAL.—Upon receipt of an oral
14 or written request for forbearance from a multi-
15 family borrower, a servicer shall—

16 (i) document the financial hardship;

17 (ii) provide the forbearance for not
18 less than 180 days; and

19 (iii) provide the forbearance for an ad-
20 ditional 180 days upon the request of the
21 borrower at least 30 days prior to the end
22 of the forbearance period described under
23 subparagraph (A).

1 (B) RIGHT TO DISCONTINUE.—A multi-
2 family borrower shall have the option to dis-
3 continue the forbearance at any time.

4 (4) RENTER PROTECTIONS.—During the term
5 of a forbearance under this section, a multifamily
6 borrower may not—

7 (A) evict a tenant for nonpayment of rent;

8 or

9 (B) apply or accrue any fees or other pen-
10 alties on renters for nonpayment of rent.

11 (5) OBLIGATION TO BRING THE LOAN CUR-
12 RENT.—A multifamily borrower shall bring a loan
13 placed in forbearance under this section current
14 within the earlier of—

15 (A) 12 months after the conclusion of the
16 forbearance period; or

17 (B) receipt of any business interruption in-
18 surance proceeds by the multifamily borrower.

19 (6) DEFINITION.—For the purposes of this sub-
20 section, the term “multifamily borrower” means a
21 borrower of a residential mortgage loan that is se-
22 cured by a lien against a property comprising five or
23 more dwelling units.

24 (g) FEDERAL RESERVE CREDIT FACILITY FOR
25 MORTGAGE SERVICERS.—

1 (1) IN GENERAL.—The Board of Governors of
2 the Federal Reserve System and the Secretary of the
3 Treasury, pursuant to the authority granted under
4 section 13(3) of the Federal Reserve Act, directly
5 (or indirectly through an intermediary, such as the
6 Federal National Mortgage Association, the Federal
7 Home Loan Mortgage Corporation, the Government
8 National Mortgage Association, an insured deposi-
9 tory institution, non-depository lending institution,
10 or a special purpose vehicle)—

11 (A) shall extend credit to mortgage
12 servicers and other obligated advancing parties
13 that in each case have liquidity needs due to the
14 COVID–19 emergency or compliance with this
15 Act with respect to mortgage loans (the “af-
16 fected mortgages”); and

17 (B) may extend further credit to mortgage
18 servicers for other liquidity needs due to the ac-
19 tual or imminent delinquency or default on
20 mortgage loans due to the COVID–19 emer-
21 gency.

22 (2) NON-COMPLIANT SERVICERS.—A mortgage
23 servicer shall not be eligible for assistance under
24 paragraph (1) if the provider is in violation of any
25 requirement under this Act, and fails to promptly

1 cure any such violation upon notice or discovery
2 thereof.

3 (3) PAYMENTS AND PURCHASES.—Credit ex-
4 tended under paragraph (1)(A) shall be in an
5 amount sufficient to—

6 (A) cover—

7 (i) the pass-through payment of prin-
8 cipal and interest to mortgage-backed se-
9 curities holders;

10 (ii) the payment of taxes and insur-
11 ance to third parties; and

12 (iii) the temporary reimbursement of
13 modification costs and fees due to servicers
14 that will be deferred until such time as a
15 forbearance period terminates, due in each
16 case on, or in respect of, such affected
17 mortgage loans or related mortgage-backed
18 securities;

19 (B) purchase affected mortgages from
20 pools of securitized mortgages

21 (4) COLLATERAL.—The credit authorized by
22 this section shall be secured by the pledgor's interest
23 in accounts receivable, loans, or related interests re-
24 sulting from the payment advances made on the af-
25 fected mortgages by the mortgage servicers.

1 (5) CREDIT SUPPORT.—The Secretary of the
2 Treasury shall provide credit support to the Board
3 of Governors of the Federal Reserve System for the
4 program required by this section.

5 (6) CONFLICT WITH OTHER LAWS.—Notwith-
6 standing any Federal or State law to the contrary,
7 the Federal National Mortgage Association, the Fed-
8 eral Home Loan Mortgage Corporation, and the
9 Government National Mortgage Association may
10 permit the pledge or grant of a security interest in
11 the pledgor’s interest in such accounts receivable or
12 loans or related interests and honor or permit the
13 enforcement of such pledge or grant in accordance
14 with its terms.

15 (7) DURATION.—The extension of credit by the
16 Board of Governors of the Federal Reserve System
17 and credit support from the Secretary of the Treas-
18 ury under this section shall be available until the
19 later of—

20 (A) 6 months after the end of the COVID–
21 19 emergency; and

22 (B) the date on which on the Board of
23 Governors of the Federal Reserve System and
24 the Secretary of the Treasury determine such
25 credit and credit support should no longer be

1 available to address the liquidity concern ad-
2 dressed by this section.

3 (8) AMENDMENTS TO NATIONAL HOUSING
4 ACT.—Section 306(g)(1) of the National Housing
5 Act (12 U.S.C. 1721(g)(1)) is amended—

6 (A) by inserting the following new sentence
7 after the fourth sentence in the paragraph: “In
8 any case in which (I) the President declares a
9 major disaster or emergency for the nation or
10 any area that in either case has been affected
11 by damage or other adverse effects of sufficient
12 severity and magnitude to warrant major dis-
13 aster assistance under the Robert T. Stafford
14 Disaster Relief and Emergency Assistance Act
15 or other Federal law, (II) upon request of an
16 Issuer of any security, the Association elects to
17 extend to the Issuer one or more of the disaster
18 assistance or emergency programs that the As-
19 sociation determines to be available to account
20 for the Issuer’s failure or anticipated failure to
21 receive from the mortgagor the full amount of
22 principal and interest due, then (III) the Asso-
23 ciation may elect not to declare the Issuer to be
24 in default because of such request for such dis-
25 aster or emergency assistance.”;

1 (B) by inserting after the word “issued” in
2 the sixth sentence, as redesignated, the fol-
3 lowing: “subject to any pledge or grant of secu-
4 rity interest of the pledgor’s interest in and to
5 any such mortgage or mortgages or any interest
6 therein and the proceeds thereon, which the As-
7 sociation may elect to approve;”; and

8 (C) by inserting after the word “issued” in
9 the seventh sentence, as redesignated, the fol-
10 lowing: “, or (D) its approval and honoring of
11 any pledge or grant of security interest of the
12 pledgor’s interest in and to any such mortgage
13 or mortgages or any interest therein and pro-
14 ceeds thereon.”.

15 (h) SAFE HARBOR.—

16 (1) IN GENERAL.—Notwithstanding any other
17 provision of law, whenever a servicer of residential
18 mortgages of residential mortgage-backed securi-
19 ties—

20 (A) grants a borrower relief under section
21 6(n) and 6(p) of the Real Estate Settlement
22 Procedures Act of 1974 with respect to a resi-
23 dential mortgage originated before April 1,
24 2020, including a mortgage held in a
25 securitization or other investment vehicle, and

1 (B) the servicer or trustee or issuer owes
2 a duty to investors or other parties regarding
3 the standard for servicing such mortgage,
4 the servicer shall be deemed to have satisfied the
5 such a duty, and the servicer shall not be liable to
6 any party who is owed such a duty and shall not be
7 subject to any injunction, stay, or other equitable re-
8 lief to such party, based upon its good faith compli-
9 ance with the provisions of 6(n) and 6(p) of the Real
10 Estate Settlement Procedures Act of 1974. Any per-
11 son, including a trustee or issuer, who cooperates
12 with a servicer when such cooperation is necessary
13 for the servicer to implement the provisions of 6(n)
14 and 6(p) of the Real Estate Settlement Procedures
15 Act of 1974 shall be protected from liability in the
16 same manner.

17 (2) STANDARD INDUSTRY PRACTICE.—Compli-
18 ance with 6(n) and 6(p) of the Real Estate Settle-
19 ment Procedures Act of 1974 during the COVID-19
20 emergency shall constitute standard industry prac-
21 tice for purposes of all Federal and State laws.

22 (3) DEFINITIONS.—As used in this sub-
23 section—

24 (A) the term “servicer” has the meaning
25 given that term under section 6(i)(2) of the

1 Real Estate Settlement Procedures Act of 1974
2 (12 U.S.C. 2605(i)(2)); and

3 (B) the term “securitization vehicle” has
4 the meaning given that term under section
5 129A(f)(3) of the Truth in Lending Act (15
6 U.S.C. 1639a(f)(3)).

7 (4) RULE OF CONSTRUCTION.—No provision of
8 paragraph (1) or (2) shall be construed as affecting
9 the liability of any servicer or person for actual
10 fraud in servicing of a loan or for the violation of
11 a State or Federal law.

12 (i) POST-PANDEMIC MORTGAGE REPAYMENT OP-
13 TIONS.—Section 6 of the Real Estate Settlement Proce-
14 dures Act of 1974 (12 U.S.C. 2605), as amended by sub-
15 section (d), is further amended by adding at the end the
16 following:

17 “(p) POST-PANDEMIC MORTGAGE REPAYMENT OP-
18 TIONS.—With respect to a federally related residential
19 mortgage loan, before the end of any forbearance provided
20 under subsection (n), servicers shall—

21 “(1) evaluate the borrower’s ability to return to
22 making regular mortgage payments;

23 “(2) if the borrower is able to return to making
24 regular mortgage payments at the end of the for-
25 bearance period—

1 “(A) modify the borrower’s loan to extend
2 the term for the same period as the length of
3 the forbearance, with all payments that were
4 not made during the forbearance distributed at
5 the same intervals as the borrower’s existing
6 payment schedule and evenly distributed across
7 those intervals, with no penalties, late fees, ad-
8 ditional interest accrued beyond the amounts
9 scheduled or calculated as if the borrower made
10 all contractual payments on time and in full
11 under the terms of the mortgage contract in ef-
12 fect at the time the borrower entered into the
13 forbearance, and with no modification fee
14 charged to the borrower; or

15 “(B) if the borrower elects to modify the
16 loan to capitalize a resulting escrow shortage or
17 deficiency, the servicer may modify the bor-
18 rower’s loan by re-amortizing the principal bal-
19 ance and extending the term of the loan suffi-
20 cient to maintain the regular mortgage pay-
21 ments; and

22 “(C) notify the borrower in writing of the
23 extension, including provision of a new payment
24 schedule and date of maturity, and that the
25 borrower shall have the election of prepaying

1 the suspended payments at any time, in a lump
2 sum or otherwise;

3 “(3) if the borrower is financially unable to re-
4 turn to making periodic mortgage payments as pro-
5 vided for in the mortgage contract at the end of the
6 COVID–19 emergency—

7 “(A) evaluate the borrower for all loan
8 modification options, without regard to whether
9 the borrower has previously requested, been of-
10 ferred, or provided a loan modification or other
11 loss mitigation option and without any require-
12 ment that the borrower come current before
13 such evaluation or as a condition of eligibility
14 for such modification, including—

15 “(i) further extending the borrower’s
16 repayment period;

17 “(ii) reducing the principal balance of
18 the loan; or

19 “(iii) other modification or loss miti-
20 gation options available to the servicer
21 under the terms of any investor require-
22 ments and existing laws and policies; and

23 “(B) if the borrower qualifies for such a
24 modification, the service shall offer a loan with
25 such terms as to provide a loan with such terms

1 as to provide an affordable payment, with no
2 penalties, late fees, additional interest beyond
3 the amounts scheduled or calculated as if the
4 borrower made all contractual payments on
5 time and in full under the terms of the mort-
6 gage contract in effect at the time the borrower
7 entered into the forbearance, and with no modi-
8 fication fees charged to the borrower; and

9 “(4) if a borrower is granted a forbearance on
10 payments that would be owed pursuant to a trial
11 loan modification plan—

12 “(A) any forbearance of payments shall
13 not be treated as missed or delinquent pay-
14 ments or otherwise negatively affect the bor-
15 rower’s ability to complete their trial plan;

16 “(B) any past due amounts as of the end
17 of the trial period, including unpaid interest,
18 real estate taxes, insurance premiums, and as-
19 sessments paid on the borrower’s behalf, will be
20 added to the mortgage loan balance, but only to
21 the extent that such charges are not fees associ-
22 ated with the granting of the forbearance, such
23 as late fees, modification fees, or unpaid inter-
24 est from the period of the forbearance beyond
25 the amounts scheduled or calculated as if the

1 borrower made all contractual payments on
2 time and in full under the terms of the mort-
3 gage contract in effect at the time the borrower
4 entered into the forbearance; and

5 “(C) if the borrower is unable to resume
6 payments on the trial modification at the end of
7 the forbearance period, re-evaluate the borrower
8 for all available loan modifications under para-
9 graph 3, without any requirement that the bor-
10 rower become current before such evaluation or
11 as a condition of eligibility for such modifica-
12 tion.”.

13 (j) CLAIMS OF AFFECTED INVESTORS AND OTHER
14 PARTIES.—Any action asserting a taking under the Fifth
15 Amendment to the Constitution of the United States as
16 a result of this subsection shall be brought not later than
17 180 days after the end of the COVID–19 emergency.

18 (k) EXTENSION OF THE GSE PATCH.—The Director
19 of the Bureau of Consumer Financial Protection shall re-
20 vise section 1026.43(e)(4)(iii)(B) of title 12, Code of Fed-
21 eral Regulations, to extend the sunset of the special rule
22 provided under such section 1026.43(e)(4) until January
23 1, 2022, or such later date as may be determined by the
24 Bureau.

25 (l) DEFINITIONS.—In this section:

1 (1) COVID–19 EMERGENCY.—The term
2 “COVID–19 emergency” means the period that be-
3 gins upon the date of the enactment of this Act and
4 ends on the date of the termination by the Federal
5 Emergency Management Agency of the emergency
6 declared on March 13, 2020, by the President under
7 the Robert T. Stafford Disaster Relief and Emer-
8 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
9 ing to the Coronavirus Disease 2019 (COVID–19)
10 pandemic.

11 (2) MANUFACTURED HOME.—The term “manu-
12 factured home” has the meaning given that term
13 under section 603 of the National Manufactured
14 Housing Construction and Safety Standards Act of
15 1974 (42 U.S.C. 5402).

16 (3) MOTOR VEHICLE.—The term “motor vehi-
17 cle” has the meaning given that term under Section
18 1029(f) of the Consumer Financial Protection Act of
19 2010 (12 U.S.C. 5519(f)).

20 (4) RESIDENTIAL MORTGAGE LOAN.—The term
21 “residential mortgage loan” means any consumer
22 credit transaction that is secured by a mortgage,
23 deed of trust, or other equivalent consensual security
24 interest on residence consisting of a single dwelling
25 unit that is occupied by the mortgagor.

1 **SEC. 109. BANKRUPTCY PROTECTIONS.**

2 (a) INCREASING THE HOMESTEAD EXEMPTION.—

3 (1) HOMESTEAD EXEMPTION.—Section 522 of
4 title 11, United States Code, is amended—

5 (A) in subsection (d)(1), by striking
6 “\$15,000” and inserting “\$100,000”; and

7 (B) by adding at the end the following:

8 “(r) Notwithstanding any other provision of applica-
9 ble nonbankruptcy law, a debtor in any State may exempt
10 from property of the estate the property described in sub-
11 section (d)(1) not to exceed the value in subsection (d)(1)
12 if the exemption for such property permitted by applicable
13 nonbankruptcy law is lower than that amount.”.

14 (b) EFFECT OF MISSED MORTGAGE PAYMENTS ON
15 DISCHARGE.—Section 1328 of title 11, United States
16 Code, is amended by adding at the end the following:

17 “(i) A debtor shall not be denied a
18 discharge under this section because, as of
19 the date of discharge, the debtor did not
20 make 6 or fewer payments directly to the
21 holder of a debt secured by real property.

22 “(j) Notwithstanding subsections (a) and (b), upon
23 the debtor’s request, the court shall grant a discharge of
24 all debts provided for in the plan that are dischargeable
25 under subsection (a) if the debtor—

1 “(1) has made payments under a confirmed
2 plan for at least 1 year; and

3 “(2) is experiencing a loss of income or increase
4 in expenses due, directly or indirectly, to the
5 coronavirus disease 2019 (COVID–19) pandemic.”.

6 (c) MODIFICATION OF CHAPTER 13 PLAN DUE TO
7 HARDSHIP CAUSED BY COVID–19 PANDEMIC.—Section
8 1329 of title 11, United States Code, is amended by add-
9 ing at end the following:

10 “(d)(1) Subject to paragraph (3), for a plan con-
11 firmed prior to the date of enactment of this subsection,
12 the plan may be modified upon the request of the debtor
13 if—

14 “(A) the debtor is experiencing or has experi-
15 enced a material financial hardship due, directly or
16 indirectly, to the coronavirus disease 2019 (COVID–
17 19) pandemic; and

18 “(B) the modification is approved after notice
19 and a hearing.

20 “(2) A modification under paragraph (1) may include
21 extending the period of time for payments on claims not
22 later than 7 years after the date on which the first pay-
23 ment under the original confirmed plan was due.

1 “(3) Sections 1322(a), 1322(b), 1323(c), and the re-
2 quirements of section 1325(a) shall apply to any modifica-
3 tion under paragraph (1).”.

4 (d) APPLICABILITY.—

5 (1) The amendments made by subsections (a)
6 and (b) shall apply to any case commenced before,
7 on, or after the date of enactment of this Act.

8 (2) The amendment made by subsection (c)
9 shall apply to any case for which a plan has been
10 confirmed under section 1325 of title 11, United
11 States Code, before the date of enactment of this
12 Act.

13 **SEC. 110. DEBT COLLECTION.**

14 (a) TEMPORARY DEBT COLLECTION MORATORIUM
15 DURING THE COVID-19 EMERGENCY PERIOD.—

16 (1) IN GENERAL.—The Fair Debt Collection
17 Practices Act (15 U.S.C. 1692 et seq.) is amended
18 by inserting after section 812 the following:

19 **“§ 812A. Temporary debt collection moratorium dur-**
20 **ing the COVID-19 emergency period**

21 “(a) DEFINITIONS.—In this section:

22 “(1) CONSUMER.—The term ‘consumer’ means
23 any natural person obligated or allegedly obligated
24 to pay any debt.

1 “(2) COVID–19 EMERGENCY PERIOD.—The
2 term ‘COVID–19 emergency period’ means the pe-
3 riod that begins upon the date of the enactment of
4 this Act and ends upon the date of the termination
5 by the Federal Emergency Management Administra-
6 tion of the emergency declared on March 13, 2020,
7 by the President under the Robert T. Stafford Dis-
8 aster Relief and Emergency Assistance Act (42
9 U.S.C. 4121 et seq.) relating to the Coronavirus
10 Disease 2019 (COVID–19) pandemic.

11 “(3) CREDITOR.—The term ‘creditor’ means
12 any person who offers or extends credit creating a
13 debt or to whom a debt is owed or other obligation
14 of payment.

15 “(4) DEBT.—The term ‘debt’—

16 “(A) means any past due obligation or al-
17 leged obligation of a consumer, non-profit orga-
18 nization, or small business to pay money—

19 “(i) arising out of a transaction in
20 which the money, property, insurance, or
21 services which are the subject of the trans-
22 action are primarily for personal, family,
23 business, non-profit, or household pur-
24 poses, whether or not such obligation has
25 been reduced to judgment;

1 “(ii) owed to a local, State, or Federal
2 government;

3 “(B) does not include federally related
4 mortgages (as defined under section 3 of the
5 Real Estate Settlement Procedures Act of
6 1974) unless a deficiency judgment has been
7 made with respect to such federally related
8 mortgage.

9 “(5) DEBT COLLECTOR.—The term ‘debt col-
10 lector’ includes a creditor and any person or entity
11 that engages in the collection of debt (including the
12 Federal Government or a State government) whether
13 or not the debt is allegedly owed to or assigned to
14 that person or entity.

15 “(6) DEPOSITORY INSTITUTION.—The term ‘de-
16 pository institution’—

17 “(A) has the meaning given that term
18 under section 3 of the Federal Deposit Insur-
19 ance Act; and

20 “(B) means a Federal or State credit
21 union (as such terms are defined, respectively,
22 under section 101 of the Federal Credit Union
23 Act.)

24 “(7) NON-PROFIT ORGANIZATION.—The term
25 ‘non-profit organization’ means an organization de-

1 scribed in section 501(c)(3) of the Internal Revenue
2 Code of 1986 and exempt from taxation under sub-
3 section (a) of such section.

4 “(8) SMALL BUSINESS.—The term ‘small busi-
5 ness’ has the meaning given the term ‘small business
6 concern’ under section 3 of the Small Business Act
7 (15 U.S.C. 632).

8 “(b) PROHIBITIONS.—Notwithstanding any other
9 provision of law, during COVID–19 emergency period and
10 the 120-day period immediately following, a debt collector
11 is prohibited from—

12 “(1) capitalizing or adding extra interest or fees
13 triggered by the non-payment of an obligation by a
14 consumer, small business, or non-profit organization
15 to the balance of an account;

16 “(2) suing or threatening to sue a consumer,
17 small business, or non-profit for a past-due debt;

18 “(3) continuing litigation initiated before the
19 date of enactment of this section to collect a debt
20 from a consumer, small business, or non-profit orga-
21 nization;

22 “(4) enforcing a security interest, including
23 through repossession or foreclosure, against a con-
24 sumer, small business, or non-profit organization;

1 “(5) reporting a past due debt of a consumer,
2 small business, or non-profit organization to a con-
3 sumer reporting agency;

4 “(6) taking or threatening to take any action to
5 enforce collection, or any adverse action against a
6 consumer, small business, or non-profit organization
7 for non-payment or for non-appearance at any hear-
8 ings related to a debt;

9 “(7) except with respect to enforcing an order
10 for child support or spousal support, initiating or
11 continuing any action to cause or to seek to cause
12 the collection of a debt from wages, Federal benefits,
13 or other amounts due to a consumer, small business,
14 or non-profit organization, by way of garnishment,
15 deduction, offset, or other seizure, or to cause or
16 seek to cause the collection of a debt by seizing
17 funds from a bank account or any other assets held
18 by such consumer, small business, or non-profit or-
19 ganization;

20 “(8) in the case of action or collection described
21 under paragraph (7) that was initiated prior to the
22 beginning of the date of such disaster or emergency,
23 failing to suspend the action or collection until 120
24 days after the end of the COVID-19 emergency pe-
25 riod;

1 “(9) upon the termination of the incident period
2 for such disaster or emergency, failing to extend the
3 time period to pay an obligation by one payment pe-
4 riod for each payment that a consumer, small busi-
5 ness, or non-profit organization missed during the
6 incident period, with the payments due in the same
7 amounts and at the same intervals as the pre-exist-
8 ing payment schedule of the consumer, small busi-
9 ness, or non-profit organization (as applicable) or, if
10 the debt has no payment periods, allow the con-
11 sumer, small business, or non-profit a reasonable
12 time in which to repay the debt in affordable pay-
13 ments;

14 “(10) disconnecting a consumer, small business,
15 or non-profit organization from a utility prepaid or
16 post-paid electricity, natural gas, telecommuni-
17 cations, broadband, water, or sewer service; or

18 “(11) exercising a right to set off provision con-
19 tained in any consumer, small business, or non-prof-
20 it organization account agreement with a depository
21 institution.

22 “(c) VIOLATION.—Any person who violates a provi-
23 sion of this section shall—

24 “(1) be treated as a debt collector for purposes
25 of section 813; and

1 “(2) be liable to the consumer, small business,
2 or non-profit organization an amount equal to 10
3 times the damages allowed under section 813 for
4 each such violation.”.

5 (2) TABLE OF CONTENTS AMENDMENT.—The
6 table of contents at the beginning of the Fair Debt
7 Collection Practices Act (15 U.S.C. 1692 et seq.) is
8 amended by inserting after the item relating to sec-
9 tion 812 the following new item:

 “812A. Temporary debt collection moratorium during the COVID-19 emergency
 period.”.

10 (b) CONFESSIONS OF JUDGMENT PROHIBITION.—

11 (1) IN GENERAL.—Chapter 2 of the Truth in
12 Lending Act (15 U.S.C. 1631 et seq.) is amended—

13 (A) by adding at the end the following:

14 **“§ 140B. Confessions of judgment prohibition**

15 “(a) IN GENERAL.—During a period described under
16 section 812A(b) of the Fair Debt Collection Practices Act,
17 no person may directly or indirectly take or receive from
18 another person or seek to enforce an obligation that con-
19 stitutes or contains a cognovit or confession of judgment
20 (for purposes other than executory process in the State
21 of Louisiana), warrant of attorney, or other waiver of the
22 right to notice and the opportunity to be heard in the
23 event of suit or process thereon.

1 “(b) EXEMPTION.—The exemption in section 104(1)
2 shall not apply to this section.

3 “(c) DEBT DEFINED.—In this section, the term
4 ‘debt’ means any obligation of a person to pay to another
5 person money—

6 “(1) regardless of whether the obligation is ab-
7 solute or contingent, if the understanding between
8 the parties is that any part of the money shall be
9 or may be returned;

10 “(2) that includes the right of the person pro-
11 viding the money to an equitable remedy for breach
12 of performance if the breach gives rise to a right to
13 payment; and

14 “(3) regardless of whether the obligation or
15 right to an equitable remedy described in paragraph
16 (2) has been reduced to judgment or is fixed, contin-
17 gent, matured, unmatured, disputed, undisputed, se-
18 cured, or unsecured.”; and

19 (B) in the table of contents for such chap-
20 ter, by adding at the end the following:

“140B. Confessions of judgment prohibition.”.

21 (2) CONFORMING AMENDMENT.—Section
22 130(a) of the Truth in Lending Act (15 U.S.C.
23 1640(a)) is amended by adding at the end the fol-
24 lowing: “For purposes of this section, the term

1 ‘creditor’ refers to any person charged with compli-
2 ance.”.

3 **SEC. 111. DISASTER PROTECTION FOR WORKERS’ CREDIT.**

4 (a) PURPOSE.—The purpose of this section, and the
5 amendments made by this section, is to protect consumers’
6 credit from negative impacts as a result of financial hard-
7 ship due to the coronavirus disease (COVID–19) outbreak
8 and future major disasters.

9 (b) REPORTING OF INFORMATION DURING MAJOR
10 DISASTERS.—

11 (1) IN GENERAL.—The Fair Credit Reporting
12 Act is amended by inserting after section 605B the
13 following:

14 **“§ 605C. Reporting of information during major disas-**
15 **ters**

16 “(a) DEFINITIONS.—In this section:

17 “(1) COVID–19 EMERGENCY PERIOD.—The
18 term ‘COVID–19 emergency period’ means the pe-
19 riod beginning on the date of enactment of this sec-
20 tion and ending on the later of—

21 “(A) 120 days after the date of enactment
22 of this section; or

23 “(B) 120 days after the date of termi-
24 nation by the Federal Emergency Management
25 Administration of the emergency declared on

1 March 13, 2020, by the President under the
2 Robert T. Stafford Disaster Relief and Emer-
3 gency Assistance Act (42 U.S.C. 4121 et seq.)
4 relating to the Coronavirus Disease 2019
5 (COVID–19) pandemic.

6 “(2) COVERED MAJOR DISASTER PERIOD.—The
7 term ‘covered major disaster period’ means—

8 “(A) the period beginning on the date on
9 which a major disaster is declared by the Presi-
10 dent under section 401 of the Robert T. Staf-
11 ford Disaster Relief and Emergency Assistance
12 Act (42 U.S.C. 5170), under which assistance
13 is authorized under section 408 of such Act (42
14 U.S.C. 5174), and ending on the date that is
15 120 days after the end of the incident period
16 designated in such declaration; or

17 “(B) the period ending 120 days after the
18 date of termination by the Federal Emergency
19 Management Administration of the emergency
20 declared on March 13, 2020, by the President
21 under the Robert T. Stafford Disaster Relief
22 and Emergency Assistance Act (42 U.S.C. 4121
23 et seq.) relating to the Coronavirus Disease
24 2019 (COVID–19) pandemic.

1 “(3) MAJOR DISASTER.—The term ‘major dis-
2 aster’ means a major disaster declared by the Presi-
3 dent under section 401 of the Robert T. Stafford
4 Disaster Relief and Emergency Assistance Act (42
5 U.S.C. 5170), under which assistance is authorized
6 under section 408 of such Act (42 U.S.C. 5174)

7 “(b) MORATORIUM ON FURNISHING ADVERSE IN-
8 FORMATION DURING COVID–19 EMERGENCY PERIOD.—
9 No person may furnish any adverse item of information
10 (except information related to a felony criminal conviction)
11 relating to a consumer that was the result of any action
12 or inaction that occurred during the COVID–19 emer-
13 gency period.

14 “(c) MORATORIUM ON FURNISHING ADVERSE INFOR-
15 MATION DURING COVERED MAJOR DISASTER PERIOD.—
16 No person may furnish any adverse item of information
17 (except information related to a felony criminal conviction)
18 relating to a consumer that was the result of any action
19 or inaction that occurred during a covered major disaster
20 period if the consumer is a resident of the affected area
21 covered by a declaration made by the President under sec-
22 tion 401 of the Robert T. Stafford Disaster Relief and
23 Emergency Assistance Act (42 U.S.C. 5170), under which
24 assistance is authorized under section 408 of such Act (42
25 U.S.C. 5174).

1 “(d) INFORMATION EXCLUDED FROM CONSUMER
2 REPORTS.—In addition to the information described in
3 section 605(a), no consumer reporting agency may make
4 any consumer report containing an adverse item of infor-
5 mation (except information related to a felony criminal
6 conviction) reported relating to a consumer that was the
7 result of any action or inaction that occurred during the
8 COVID–19 emergency period or a covered major disaster
9 period, and as applicable under subsection (f)(3), for 270
10 days after the expiration of the applicable period.

11 “(e) SUMMARY OF RIGHTS.—Not later than 60 days
12 after the date of enactment of this subsection, the Bureau
13 shall update the model summary of rights under section
14 609(e)(1) to include a description of the right of a con-
15 sumer to—

16 “(1) request the deletion of adverse items of in-
17 formation under subsection (f); and

18 “(2) request a consumer report or score, with-
19 out charge to the consumer, under subsection (g).

20 “(f) DELETION OF ADVERSE ITEMS OF INFORMA-
21 TION RESULTING FROM THE CORONAVIRUS DISEASE
22 (COVID–19) OUTBREAK AND MAJOR DISASTERS.—

23 “(1) REPORTING.—

24 “(A) IN GENERAL.—Not later than 60
25 days after the date of enactment of this sub-

1 section, the Bureau shall create a website for
2 consumers to report, under penalty of perjury,
3 economic hardship as a result of the
4 coronavirus disease (COVID–19) outbreak or a
5 major disaster (if the consumer is a resident of
6 the affected area covered by such major dis-
7 aster) for the purpose of extending credit report
8 protection for an additional 270 days after the
9 end of the COVID–19 emergency period or cov-
10 ered major disaster period, as applicable.

11 “(B) DOCUMENTATION.—The Bureau
12 shall—

13 “(i) not require any documentation
14 from a consumer to substantiate the eco-
15 nomic hardship; and

16 “(ii) provide notice to the consumer
17 that a report under subparagraph (A) is
18 under penalty of perjury.

19 “(C) REPORTING PERIOD.—A consumer
20 may report economic hardship under subpara-
21 graph (A) during the COVID–19 emergency pe-
22 riod or a covered major disaster period, as ap-
23 plicable, and for 60 days thereafter.

24 “(2) DATABASE.—The Bureau shall establish
25 and maintain a secure database that—

1 “(A) is accessible to each consumer report-
2 ing agency described in section 603(p) and na-
3 tionwide specialty consumer reporting agency
4 for purposes of fulfilling their duties under
5 paragraph (3) to check and automatically delete
6 any adverse item of information (except infor-
7 mation related to a felony criminal conviction)
8 reported that occurred during the COVID-19
9 emergency period or a covered major disaster
10 period with respect to a consumer; and

11 “(B) contains the information reported
12 under paragraph (1).

13 “(3) DELETION OF ADVERSE ITEMS OF INFOR-
14 MATION BY NATIONWIDE CONSUMER REPORTING
15 AND NATIONWIDE SPECIALTY CONSUMER REPORT-
16 ING AGENCIES.—

17 “(A) IN GENERAL.—Each consumer re-
18 porting agency described in section 603(p) and
19 each nationwide specialty consumer reporting
20 agency shall, using the information contained in
21 the database established under paragraph (2),
22 delete from the file of each consumer named in
23 the database each adverse item of information
24 (except information related to a felony criminal
25 conviction) that was a result of an action or in-

1 action that occurred during the COVID–19
2 emergency period or a covered major disaster
3 period up to 270 days following the end of the
4 such period.

5 “(B) TIMELINE.—Each consumer report-
6 ing agency described in section 603(p) and each
7 nationwide specialty consumer reporting agency
8 shall check the database at least weekly and de-
9 lete adverse items of information as soon as
10 practicable after information that is reported
11 under paragraph (1) appears in the database
12 established under paragraph (2).

13 “(4) REQUEST FOR DELETION OF ADVERSE
14 ITEMS OF INFORMATION.—

15 “(A) IN GENERAL.—A consumer who has
16 filed a report of economic hardship with the
17 Bureau may submit a request, without charge
18 to the consumer, to a consumer reporting agen-
19 cy to delete from the consumer’s file an adverse
20 item of information (except information related
21 to a felony criminal conviction) that was a re-
22 sult of an action or inaction that occurred dur-
23 ing the COVID–19 emergency period or a cov-
24 ered major disaster period up to 270 days fol-
25 lowing the end of the such period.

1 “(B) TIMING.—A consumer may submit a
2 request under subparagraph (A), not later than
3 270-day period described in that subparagraph.

4 “(C) REMOVAL AND NOTIFICATION.—Upon
5 receiving a request under this paragraph to de-
6 lete an adverse item of information, a consumer
7 reporting agency shall—

8 “(i) delete the adverse item of infor-
9 mation (except information related to a fel-
10 ony criminal conviction) from the con-
11 sumer’s file; and

12 “(ii) notify the consumer and the fur-
13 nisher of the adverse item of information
14 of the deletion.

15 “(g) FREE CREDIT REPORT AND SCORES.—

16 “(1) IN GENERAL.—During the COVID–19
17 emergency period or a covered major disaster period
18 and ending 12 months after the expiration of the
19 COVID–19 emergency period or covered major dis-
20 aster period, as applicable, each consumer reporting
21 agency as described under 603(p) and nationwide
22 specialty consumer reporting agency shall make all
23 disclosures described under section 609 upon request
24 by a consumer, by mail or online, without charge to
25 the consumer and without limitation as to the num-

1 ber of requests. A consumer reporting agency shall
2 also supply a consumer, upon request and without
3 charge, with a credit score that—

4 “(A) is derived from a credit scoring model
5 that is widely distributed to users by the con-
6 sumer reporting agency for the purpose of any
7 extension of credit or other transaction des-
8 ignated by the consumer who is requesting the
9 credit score; or

10 “(B) is widely distributed to lenders of
11 common consumer loan products and predicts
12 the future credit behavior of the consumer.

13 “(2) TIMING.—A file disclosure or credit score
14 under paragraph (1) shall be provided to the con-
15 sumer not later than—

16 “(A) 7 days after the date on which the re-
17 quest is received if the request is made by mail;
18 and

19 “(B) not later than 15 minutes if the re-
20 quest is made online.

21 “(3) ADDITIONAL REPORTS.—A file disclosure
22 provided under paragraph (1) shall be in addition to
23 any disclosure requested by the consumer under sec-
24 tion 612(a).

1 “(4) PROHIBITION.—A consumer reporting
2 agency that receives a request under paragraph (1)
3 may not request or require any documentation from
4 the consumer that demonstrates that the consumer
5 was impacted by the coronavirus disease (COVID–
6 19) outbreak or a major disaster (except to verify
7 that the consumer resides in an area covered by the
8 major disaster) as a condition of receiving the file
9 disclosure or score.

10 “(h) POSTING OF RIGHTS.—Not later than 30 days
11 after the date of enactment of this section, each consumer
12 reporting agency shall prominently post and maintain a
13 direct link on the homepage of the public website of the
14 consumer reporting agency information relating to the
15 right of consumers to—

16 “(1) request the deletion of adverse items of in-
17 formation (except information related to a felony
18 criminal conviction) under subsection (f); and

19 “(2) request consumer file disclosures and
20 scores, without charge to the consumer, under sub-
21 section (g).

22 “(i) BAN ON REPORTING MEDICAL DEBT INFORMA-
23 TION RELATED TO COVID–19 OR A MAJOR DISASTER.—

24 “(1) FURNISHING BAN.—No person shall fur-
25 nish adverse information to a consumer reporting

1 agency related to medical debt if such medical debt
2 is with respect to medical expenses related to treat-
3 ments arising from COVID–19 or a major disaster
4 (whether or not the expenses were incurred during
5 the COVID–19 emergency period or covered major
6 disaster period).

7 “(2) CONSUMER REPORT BAN.—No consumer
8 reporting agency may make a consumer report con-
9 taining adverse information related to medical debt
10 if such medical debt is with respect to medical ex-
11 penses related to treatments arising from COVID–
12 19 or a major disaster (whether or not the expenses
13 were incurred during the COVID–19 emergency pe-
14 riod or covered major disaster period).

15 “(j) CREDIT SCORING MODELS.—A person that cre-
16 ates and implements credit scoring models may not treat
17 the absence, omission, or deletion of any information pur-
18 suant to this section as a negative factor or negative value
19 in credit scoring models created or implemented by such
20 person.”.

21 (2) TECHNICAL AND CONFORMING AMEND-
22 MENT.—The table of contents for the Fair Credit
23 Reporting Act is amended by inserting after the
24 item relating to section 605B the following:

“605C. Reporting of information during major disasters.”.

1 (c) LIMITATIONS ON NEW CREDIT SCORING MODELS
2 DURING THE COVID–19 EMERGENCY AND MAJOR DIS-
3 ASTERS.—The Fair Credit Reporting Act (15 U.S.C. 1681
4 et seq.) is amended—

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

6 **“§ 630. Limitations on new credit scoring models dur-**
7 **ing the COVID–19 emergency and major**
8 **disasters**

9 “With respect to a person that creates and imple-
10 ments credit scoring models, such person may not, during
11 the COVID–19 emergency period or a covered major dis-
12 aster period (as such terms are defined under section
13 605C), create or implement a new credit scoring model
14 (including a revision to an existing scoring model) if the
15 new credit scoring model would identify a significant per-
16 centage of consumers as being less creditworthy when
17 compared to the previous credit scoring models created or
18 implemented by such person.”; and

19 (2) in the table of contents for such Act, by
20 adding at the end the following new item:

“630. Limitations on new credit scoring models during major disasters.”.

21 **SEC. 112. STUDENT LOANS.**

22 (a) PAYMENTS FOR PRIVATE EDUCATION LOAN BOR-
23 ROWERS AS A RESULT OF THE COVID–19 NATIONAL
24 EMERGENCY.—Section 140 of the Truth in Lending Act

1 (15 U.S.C. 1650) is amended by adding at the end the
2 following new subsection:

3 “(h) COVID–19 NATIONAL EMERGENCY PRIVATE
4 EDUCATION LOAN REPAYMENT ASSISTANCE.—

5 “(1) AUTHORITY.—Effective on the date of the
6 enactment of this section, for the duration of the
7 COVID–19 emergency period and the 6-month pe-
8 riod immediately following, the Secretary of the
9 Treasury shall, for each borrower of a private edu-
10 cation loan, pay the total amount due for such
11 month on the loan, based on the payment plan se-
12 lected by the borrower or the borrower’s loan status.

13 “(2) NO CAPITALIZATION OF INTEREST.—With
14 respect to any loan in repayment during the
15 COVID–19 national emergency period and the 6-
16 month period immediately following, interest due on
17 a private education loan during such period shall not
18 be capitalized at any time during the COVID–19 na-
19 tional emergency period and the 6-month period im-
20 mediately following.

21 “(3) REPORTING TO CONSUMER REPORTING
22 AGENCIES.—During the period in which the Sec-
23 retary of the Treasury is making payments on a
24 loan under paragraph (1), the Secretary shall ensure
25 that, for the purpose of reporting information about

1 the loan to a consumer reporting agency, any pay-
2 ment made by the Secretary is treated as if it were
3 a regularly scheduled payment made by a borrower.

4 “(4) NOTICE OF PAYMENTS AND PROGRAM.—
5 Not later than 15 days following the date of enact-
6 ment of this subsection, and monthly thereafter dur-
7 ing the COVID–19 national emergency period and
8 the 6-month period immediately following, the Sec-
9 retary of the Treasury shall provide a notice to all
10 borrowers of private education loans—

11 “(A) informing borrowers of the actions
12 taken under this subsection;

13 “(B) providing borrowers with an easily
14 accessible method to opt out of the benefits pro-
15 vided under this subsection; and

16 “(C) notifying the borrower that the pro-
17 gram under this subsection is a temporary pro-
18 gram and will end 6 months after the COVID–
19 19 national emergency period ends.

20 “(5) SUSPENSION OF INVOLUNTARY COLLEC-
21 TION.—During the COVID–19 national emergency
22 period and the 6-month period immediately fol-
23 lowing, the holder of a private education loan shall
24 immediately take action to halt all involuntary col-
25 lection related to the loan.

1 “(6) MANDATORY FORBEARANCE.—During the
2 period in which the Secretary of the Treasury is
3 making payments on a loan under paragraph (1),
4 the servicer of such loan shall grant the borrower
5 forbearance as follows:

6 “(A) A temporary cessation of all pay-
7 ments on the loan other than the payments of
8 interest and principal on the loan that are made
9 under paragraph (1).

10 “(B) For borrowers who are delinquent
11 but who are not yet in default before the date
12 on which the Secretary begins making payments
13 under paragraph (1), the retroactive application
14 of forbearance to address any delinquency.

15 “(7) DATA TO IMPLEMENT.—Holders and
16 servicers of private education loans shall report, to
17 the satisfaction of the Secretary of the Treasury, the
18 information necessary to calculate the amount to be
19 paid under this section.

20 “(8) COVID–19 EMERGENCY PERIOD DE-
21 FINED.—In this subsection, the term ‘COVID–19
22 emergency period’ means the period that begins
23 upon the date of the enactment of this Act and ends
24 upon the date of the termination by the Federal
25 Emergency Management Administration of the

1 emergency declared on March 13, 2020, by the
2 President under the Robert T. Stafford Disaster Re-
3 lief and Emergency Assistance Act (42 U.S.C. 4121
4 et seq.) relating to the Coronavirus Disease 2019
5 (COVID–19) pandemic.”.

6 (b) ADDITIONAL PROTECTIONS FOR PRIVATE STU-
7 DENT LOAN BORROWERS.—

8 (1) Each private education loan holder who re-
9 ceives any monthly payment pursuant to this section
10 must modify all private education loan contracts
11 that it holds to provide for the same repayment plan
12 and forgiveness terms available to Direct Loans bor-
13 rowers under 34 C.F.R. § 685.209(c), in effect as
14 of January 1, 2020.

15 (2) For a borrower who has defaulted on the
16 private education loan under the terms of the prom-
17 issory note prior to any loan payment made or for-
18 bearance granted under this section, no payment
19 made or forbearance granted under this section shall
20 be considered an event that impacts the calculation
21 of the applicable state statutes of limitation.

22 (3) A private education loan debt collector, as
23 that term is defined in the Federal Debt Collection
24 Practices Act, may not pressure a borrower to elect
25 to apply the amount to any private education loan.

1 “Pressure” is defined as any communication, rec-
2 ommendation or other similar communication, other
3 than providing basic information about a borrower’s
4 options, urging a borrower to make this election.
5 Violation of this provision shall be an unfair practice
6 in violation of 15 U.S.C. § 1692f.

7 (4) A private education loan debt collector or
8 creditor may not pressure a borrower to elect to
9 apply the amount to any private education loan.
10 “Pressure” is defined as any communication, rec-
11 ommendation or other similar communication, other
12 than providing basic information about a borrower’s
13 options, urging a borrower to make this election.
14 Violation of this provision shall be an abusive act or
15 practice as defined by 12 U.S.C. § 5531.

16 (5) For a borrower who has defaulted on the
17 private education loan, under the terms of the prom-
18 issory note, prior to any loan payment made under
19 this section, no loan relief provided under this sec-
20 tion shall be considered an event that impacts the
21 calculation of the applicable state statutes of limita-
22 tion.

23 (c) MINIMUM RELIEF FOR PRIVATE STUDENT LOAN
24 BORROWERS AS A RESULT OF THE COVID-19 NATIONAL
25 EMERGENCY.—

1 (1) MINIMUM STUDENT LOAN RELIEF AS A RE-
2 SULT OF THE COVID-19 NATIONAL EMERGENCY.—
3 Not later than 270 days after the last day of the
4 COVID-19 emergency period, the Secretary of the
5 Treasury shall carry out a program under which a
6 qualified borrower, with respect to the private edu-
7 cation of loans of such qualified borrower, shall re-
8 ceive in accordance with paragraph (3) an amount
9 equal to the lesser of the following:

10 (A) The total amount of each private edu-
11 cation loan of the borrower; or

12 (B) \$10,000.

13 (2) NOTIFICATION OF BORROWERS.—Not later
14 than 270 days after the last day of the COVID-19
15 emergency period, the Secretary of the Treasury
16 shall notify each qualified borrower of—

17 (A) the requirements to provide loan relief
18 to such borrower under this section; and

19 (B) the opportunity for such borrower to
20 make an election under paragraph (3)(A) with
21 respect to the application of such loan relief to
22 the covered loans and private education loans of
23 such borrower.

24 (3) DISTRIBUTION OF FUNDING.—

1 (A) ELECTION BY BORROWER.—Not later
2 than 45 days after a notice is sent under para-
3 graph (2), a qualified borrower may elect to
4 apply the amount determined with respect to
5 such borrower under paragraph (1) to any pri-
6 vate education loan of the borrower.

7 (B) AUTOMATIC PAYMENT.—

8 (i) IN GENERAL.—In the case of a
9 qualified borrower who does not make an
10 election under subparagraph (A) before the
11 date described in such paragraph, the Sec-
12 retary of the Treasury shall apply the
13 amount determined with respect to such
14 borrower under paragraph (1) in order of
15 the private education loan of the qualified
16 borrower with the highest interest rate.

17 (ii) EQUAL INTEREST RATES.—In
18 case of two or more private education loans
19 described in clause (i) with equal interest
20 rates, the Secretary of the Treasury shall
21 apply the amount determined with respect
22 to such borrower under paragraph (1) first
23 to the loan with the highest principal.

24 (4) DEFINITIONS.—In this subsection:

1 (A) COVERED LOAN.—The term “covered
2 loan” means—

3 (i) a loan made, insured, or guaran-
4 teed under part B of title IV of the Higher
5 Education Act of 1965 (20 U.S.C. 1071 et
6 seq.);

7 (ii) a loan made under part D of title
8 IV of the Higher Education Act of 1965
9 (20 U.S.C. 1087a et seq.); and

10 (iii) a Federal Perkins Loan made
11 pursuant to part E of title IV of the High-
12 er Education Act of 1965 (20 U.S.C.
13 1087aa et seq.).

14 (B) COVID–19 EMERGENCY PERIOD.—
15 The term “COVID–19 emergency period”
16 means the period that begins upon the date of
17 the enactment of this Act and ends upon the
18 date of the termination by the Federal Emer-
19 gency Management Administration of the emer-
20 gency declared on March 13, 2020, by the
21 President under the Robert T. Stafford Dis-
22 aster Relief and Emergency Assistance Act (42
23 U.S.C. 4121 et seq.) relating to the
24 Coronavirus Disease 2019 (COVID–19) pan-
25 demic.

1 (C) PRIVATE EDUCATION LOAN.—The
2 term “private education loan” has the meaning
3 given the term in section 140 of the Truth in
4 Lending Act (15 U.S.C. 1650).

5 (D) QUALIFIED BORROWER.—The term
6 “qualified borrower” means a borrower of a
7 covered loan or a private education loan.

8 (E) SECRETARIES CONCERNED.—The term
9 “Secretaries concerned” means—

10 (i) the Secretary of Education, with
11 respect to covered loans and borrowers of
12 such covered loans; and

13 (ii) the Secretary of the Treasury,
14 with respect to private education loans and
15 borrowers of such private education loans.

16 **SEC. 113. WAIVER OF IN-PERSON APPRAISAL REQUIRE-**
17 **MENTS.**

18 (a) FINDING.—The Congress finds that as the coun-
19 try continues to grapple with the impact of the spread of
20 COVID–19, several adjustments are needed to ensure that
21 mortgage processing can continue to function without sig-
22 nificant delays, despite requirements that would otherwise
23 require in-person interactions.

24 (b) WAIVER.—

1 (1) IN GENERAL.—Until the end of the
2 COVID–19 emergency, any appraisal that is con-
3 ducted for a loan with respect to which applicable
4 law would otherwise require the performance of an
5 interior inspection may be performed without an in-
6 terior inspection, if—

7 (A) an exterior inspection is performed in
8 conjunction with other methods to maximize
9 credibility, including verifiable contemporaneous
10 video or photographic documentation by the
11 borrower and borrower observations; and

12 (B) the applicable lender, guarantor, regu-
13 lating agency, or insurer may order additional
14 services to include an interior inspection at a
15 later date.

16 (2) STIPULATION.— An appraiser conducting
17 an appraisal without an interior inspection pursuant
18 to this section shall stipulate an extraordinary as-
19 sumption that the property’s interior quality, condi-
20 tion, and physical characteristics are as described
21 and consistent with the exterior view, and shall em-
22 ploy all available methods to maximize accuracy
23 while maintaining safety.

24 (c) RULEMAKING.—Not later than the end of the 1-
25 week period beginning on the date of enactment of this

1 Act, the Federal Housing Commissioner of the Federal
2 Housing Agency and the Director of the Federal Housing
3 Finance Agency shall issue such rules or guidance as may
4 be necessary to ensure that such agencies, the Federal
5 Home Loan Mortgage Corporation, the Federal National
6 Mortgage Association, and the Federal home loan banks
7 make any adjustments to mortgage processing require-
8 ments that may be necessary to provide flexibility to avoid
9 in-person interactions while preserving the goals of the
10 programs and consumer protection.

11 (d) COVID–19 EMERGENCY DEFINED.—In this sec-
12 tion, the term “COVID–19 emergency” means the period
13 that begins upon the date of the enactment of this Act
14 and ends on the date of the termination by the Federal
15 Emergency Management Agency of the emergency de-
16 clared on March 13, 2020, by the President under the
17 Robert T. Stafford Disaster Relief and Emergency Assist-
18 ance Act (42 U.S.C. 4121 et seq.) relating to the
19 Coronavirus Disease 2019 (COVID–19) pandemic.

20 **SEC. 114. SUPPLEMENTAL FUNDING FOR COMMUNITY DE-**
21 **VELOPMENT BLOCK GRANTS.**

22 (a) FUNDING AND ALLOCATIONS.—

23 (1) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated
25 \$12,000,000,000 for assistance in accordance with

1 this section under the community development block
2 grant program under title I of the Housing and
3 Community Development Act of 1974 (42 U.S.C.
4 5301 et seq.).

5 (2) INITIAL ALLOCATION.—\$6,000,000,000 of
6 the amount made available pursuant to paragraph
7 (1) shall be distributed pursuant to section 106 of
8 such Act (42 U.S.C. 5306) to grantees and such al-
9 locations shall be made within 30 days after the date
10 of the enactment of this Act.

11 (3) SUBSEQUENT ALLOCATION.—

12 (A) IN GENERAL.—The \$6,000,000,000
13 made available pursuant to paragraph (1) that
14 remains after allocation pursuant to paragraph
15 (2) shall be allocated, not later than 45 days
16 after the date of the enactment of this Act, di-
17 rectly to States to prevent, prepare for, and re-
18 spond to coronavirus within the State, including
19 activities within entitlement and nonentitlement
20 communities, based on public health needs, risk
21 of transmission of coronavirus, number of
22 coronavirus cases compared to the national av-
23 erage, and economic and housing market dis-
24 ruptions, and other factors, as determined by
25 the Secretary, using best available data.

1 (B) TECHNICAL ASSISTANCE.—Of the
2 amount referred to in subparagraph (A),
3 \$10,000,000 shall be made available for capac-
4 ity building and technical assistance to support
5 the use of such amounts to expedite or facilitate
6 infectious disease response.

7 (4) DIRECT DISTRIBUTION.—Of the amount
8 made available pursuant to paragraph (1),
9 \$3,000,000,000 shall be distributed directly to
10 States and units of general local government, at the
11 discretion of the Secretary of Housing and Urban
12 Development (in this section referred to as the “Sec-
13 retary”), according to a formula based on factors to
14 be determined by the Secretary, prioritizing risk of
15 transmission of coronavirus, number of coronavirus
16 cases compared to the national average, and eco-
17 nomic and housing market disruptions resulting
18 from coronavirus.

19 (5) ROLLING ALLOCATIONS.—Allocations under
20 this subsection may be made on a rolling basis as
21 additional needs develop and data becomes available.

22 (6) BEST AVAILABLE DATA.—The Secretary
23 shall make all allocations under this subsection
24 based on the best available data at the time of allo-
25 cation.

1 (b) ELIGIBLE ACTIVITIES.—Amounts made available
2 pursuant to subsection (a) may be used only for—

3 (1) eligible activities described in 105(a) of the
4 Housing and Community Development Act of 1974
5 (42 U.S.C. 5305(a)) relating to preventing, pre-
6 paring for, or responding to the public health emer-
7 gency relating to Coronavirus Disease 2019
8 (COVID–19); and

9 (2) reimbursement of costs for such eligible ac-
10 tivities relating to preventing, preparing for, or re-
11 sponding to Coronavirus Disease 2019 (COVID–19)
12 that were accrued before the date of the enactment
13 of this Act.

14 (c) INAPPLICABILITY OF PUBLIC SERVICES CAP.—
15 The limitation under paragraph (8) of section 105(a) of
16 the Housing and Community Development Act of 1974
17 (42 U.S.C. 5305(a)(8)) on the amount that may be used
18 for activities under such paragraph shall not apply with
19 respect to—

20 (1) amounts made available pursuant to sub-
21 section (a); and

22 (2) amounts made available in preceding appro-
23 priation Acts for fiscal years 2019 and 2020 for car-
24 rying out title I of the Housing and Community De-
25 velopment Act of 1974, to the extent such amounts

1 are used for activities described in subsection (b) of
2 this section.

3 (d) WAIVERS.—

4 (1) IN GENERAL.—The Secretary may waive, or
5 specify alternative requirements for, any provision of
6 any statute or regulation that the Secretary admin-
7 isters in connection with the use of amounts made
8 available pursuant to subsection (a)(1) and for fiscal
9 years 2019 and 2020 (except for requirements re-
10 lated to fair housing, nondiscrimination, labor stand-
11 ards, and the environment), if the Secretary finds
12 that good cause exists for the waiver or alternative
13 requirement and such waiver or alternative require-
14 ment would not be inconsistent with the overall pur-
15 pose of title I of the Housing and Community Devel-
16 opment Act of 1974, including for the purposes of
17 addressing the impact of coronavirus.

18 (2) NOTICE.—The Secretary shall notify the
19 public through the Federal Register or other appro-
20 priate means 5 days before the effective date of any
21 such waiver or alternative requirement in order for
22 such waiver or alternative requirement to take effect.
23 Such public notice may be provided on the Internet
24 at the appropriate Government web site or through

1 other electronic media, as determined by the Sec-
2 retary.

3 (e) STATEMENTS OF ACTIVITIES; COMPREHENSIVE
4 HOUSING AFFORDABILITY STRATEGIES.—

5 (1) INAPPLICABILITY OF REQUIREMENTS.—Sec-
6 tion 116(b) of such Act (42 U.S.C. 5316(b); relating
7 to submission of final statements of activities not
8 later than August 16 of a given fiscal year) and any
9 implementing regulations shall not apply to final
10 statements submitted in accordance with paragraphs
11 (2) and (3) of section 104 of such Act (42 U.S.C.
12 5304(a)) and comprehensive housing affordability
13 strategies submitted in accordance with section 105
14 of the Cranston-Gonzalez National Affordable Hous-
15 ing Act (42 U.S.C. 12705) for fiscal years 2019 and
16 2020.

17 (2) NEW REQUIREMENTS.—Final statements
18 and comprehensive housing affordability strategies
19 shall instead be submitted not later than August 16,
20 2021.

21 (3) AMENDMENTS.—Notwithstanding sub-
22 sections (a)(2), (a)(3), and (c) of section 104 of the
23 Housing and Community Development Act of 1974
24 (42 U.S.C. 5304) and section 105 of the Cranston-
25 Gonzalez National Affordable Housing Act (42

1 U.S.C. 12705), a grantee may not be required to
2 amend its statement of activities in order to engage
3 in activities to prevent, prepare, and respond to
4 coronavirus or the economic and housing disruption
5 caused by it, but shall make public a report within
6 180 days of the end of the crisis which fully ac-
7 counts for such activities.

8 (f) PUBLIC HEARINGS.—

9 (1) INAPPLICABILITY OF IN-PERSON HEARING
10 REQUIREMENTS.—A grantee may not be required to
11 hold in-person public hearings in connection with its
12 citizen participation plan, but shall provide citizens
13 with notice and a reasonable opportunity to com-
14 ment of not less than 15 days.

15 (2) VIRTUAL PUBLIC HEARINGS.—During the
16 period that national or local health authorities rec-
17 ommend social distancing and limiting public gath-
18 erings for public health reasons, a grantee may ful-
19 fill applicable public hearing requirements for all
20 grants from funds made available pursuant to sub-
21 section (a)(1) and under the heading “Department
22 of Housing and Urban Development—Community
23 Planning and Development—Community Develop-
24 ment Fund” in appropriation Acts for fiscal years
25 2019 and 2020 by carrying out virtual public hear-

1 ings. Any such virtual hearings shall provide reason-
2 able notification and access for citizens in accord-
3 ance with the grantee’s certifications, timely re-
4 sponses from local officials to all citizen questions
5 and issues, and public access to all questions and re-
6 sponses.

7 (g) DUPLICATION OF BENEFITS.—The Secretary
8 shall ensure there are adequate procedures in place to pre-
9 vent any duplication of benefits as defined by section 312
10 of the Robert T. Stafford Disaster Relief and Emergency
11 Assistance Act (42 U.S.C. 5155) and act in accordance
12 with section 1210 of the Disaster Recovery Reform Act
13 of 2018 (division D of Public Law 115–254; 132 Stat.
14 3442) and section 312 of the Robert T. Stafford Disaster
15 Relief and Emergency Assistance Act (42 U.S.C. 5155).

16 **SEC. 115. COVID-19 EMERGENCY HOUSING RELIEF.**

17 (a) DEFINITION OF COVID-19 EMERGENCY PE-
18 RIOD.—For purposes of this section, the term “COVID-
19 19 emergency period” means the period that begins upon
20 the date of the enactment of this Act and ends upon the
21 date of the termination by the Federal Emergency Man-
22 agement Agency of the emergency declared on March 13,
23 2020, by the President under the Robert T. Stafford Dis-
24 aster Relief and Emergency Assistance Act (42 U.S.C.

1 4121 et seq.) relating to the Coronavirus Disease 2019
2 (COVID–19) pandemic.

3 (b) SUSPENSION OF COMMUNITY SERVICE, WORK,
4 PRESENCE IN UNIT, AND MINIMUM RENT REQUIRE-
5 MENTS AND TIME LIMITS ON ASSISTANCE.—

6 (1) SUSPENSION.—Notwithstanding any other
7 provision of law, during the COVID–19 emergency
8 period, the following provisions of law and require-
9 ments shall not apply:

10 (A) Section 12(c) of the United States
11 Housing Act of 1937 (42 U.S.C. 1437j(c); re-
12 lating to community service).

13 (B) Any work requirement or time limita-
14 tion on assistance established by a public hous-
15 ing agency participating in the Moving to Work
16 demonstration program authorized under sec-
17 tion 204 of the Departments of Veterans Af-
18 fairs and Housing and Urban Development and
19 Independent Agencies Appropriations Act, 1996
20 (Public Law 104–134; 110 Stat. 1321).

21 (C) Paragraph (3) of section 3(a) of the
22 United States Housing Act of 1937 (42 U.S.C.
23 1437a(a)(3); relating to minimum rental
24 amount).

1 (D) Section 982.312 of the regulations of
2 the Secretary of Housing and Urban Develop-
3 ment (24 C.F.R. 982.312); relating to absence
4 from unit).

5 (2) PROHIBITION.—No penalty may be imposed
6 nor any adverse action taken for failure on the part
7 of any tenant of public housing or a dwelling unit
8 assisted under section 8 of the United States Hous-
9 ing Act of 1937 (42 U.S.C. 1437f) to comply with
10 the laws and requirements specified in paragraph (1)
11 during the period specified in paragraph (1).

12 (c) HOUSING CHOICE VOUCHERS.—

13 (1) SECTION 8 VOUCHERS.—Notwithstanding
14 any other provision of law, the Secretary of Housing
15 and Urban Development shall provide that—

16 (A) during the COVID–19 emergency pe-
17 riod, a public housing agency may not termi-
18 nate the availability to an eligible household of
19 a housing choice voucher under section 8(o) of
20 the United States Housing Act of 1937 (42
21 U.S.C. 1437f(o)) for failure to enter into a
22 lease for an assisted dwelling unit;

23 (B) in the case of any eligible household on
24 whose behalf such a housing choice voucher has
25 been made available, if as of the termination of

1 the COVID–19 emergency period such avail-
2 ability has not terminated (including by reason
3 of subparagraph (A)) and such voucher has not
4 been used to enter into a lease for an assisted
5 dwelling unit, the public housing agency making
6 such voucher available may not terminate such
7 availability until the expiration of the 60-day
8 period beginning upon the termination of the
9 COVID–19 emergency period; and

10 (C) during the COVID–19 emergency pe-
11 riod, clause (i) of section 8(o)(8)(A) of the
12 United States Housing Act of 1937 (42 U.S.C.
13 1437f(o)(8)A)(i); relating to initial inspection of
14 dwelling units) shall not apply, except that in
15 any case in which an inspection of a dwelling
16 unit for which a housing assistance payment is
17 established is not conducted before an assist-
18 ance payment is made for such dwelling unit—

19 (i) such clause shall be applied by
20 substituting “the expiration of the 90-day
21 period beginning on the termination of the
22 COVID–19 emergency period (as such
23 term is defined in section 117(a) of the Fi-
24 nancial Protections and Assistance for
25 America’s Consumers, States, Businesses,

1 and Vulnerable Populations Act)” for “any
2 assistance payment is made”; and

3 (ii) the public housing agency shall in-
4 form the tenant household and the owner
5 of such dwelling unit of the inspection re-
6 quirement applicable to such dwelling unit
7 pursuant to clause (i).

8 (2) RURAL HOUSING VOUCHERS.—Notwith-
9 standing any other provision of law, the Secretary of
10 Agriculture shall provide that the same restrictions
11 and requirements applicable under paragraph (1) to
12 voucher assistance under section 8(o) of the United
13 States Housing Act of 1937 shall apply with respect
14 to voucher assistance under section 542 of the Hous-
15 ing Act of 1949 (42 U.S.C. 1490r). In applying such
16 restrictions and requirements, the Secretary may
17 take into consideration and provide for any dif-
18 ferences between such programs while ensuring that
19 the program under such section 542 is carried out
20 in accordance with the purposes of such restrictions
21 and requirements.

22 (d) SUSPENSION OF INCOME REVIEWS.—During the
23 COVID–19 emergency period, the Secretary of Housing
24 and Urban Development and the Secretary of Agriculture
25 shall waive any requirements under law or regulation re-

1 quiring review of the income of an individual or household
2 for purposes of assistance under a housing assistance pro-
3 gram administered by such Secretary, except—

4 (1) in the case of review of income upon the ini-
5 tial provision of housing assistance; or

6 (2) if such review is requested by an individual
7 or household due to a loss of income.

8 (e) **AUTHORITY TO SUSPEND OR DELAY DEAD-**
9 **LINES.**—During the COVID–19 emergency period, the
10 Secretary of Housing and Urban Development and the
11 Secretary of Agriculture may suspend or delay any dead-
12 line relating to public housing agencies or owners of hous-
13 ing assisted under a program administered by such Sec-
14 retary, except any deadline relating to responding to exi-
15 gent conditions related to health and safety or emergency
16 physical conditions.

17 (f) **SUSPENSION OF ASSISTED HOUSING SCORING**
18 **ACTIVITIES.**—The Secretary of Housing and Urban De-
19 velopment shall suspend scoring under the Section 8 Man-
20 agement Assessment Program and the Public Housing As-
21 sessment System during the period beginning upon the
22 date of the enactment of this Act and ending upon expira-
23 tion of the 90-day period that begins upon the termination
24 of the COVID–19 emergency period.

1 (g) REQUIREMENTS REGARDING RESIDUAL RE-
2 CEIPTS AND RESERVE FUNDS.—

3 (1) SUSPENSION OF REQUIREMENT TO SUBMIT
4 RESIDUAL RECEIPTS TO HUD.—During the COVID-
5 19 emergency period, any requirements for owners
6 of federally assisted multifamily housing to remit re-
7 sidual receipts to the Secretary of Housing and
8 Urban Development shall not apply.

9 (2) ELIGIBLE USES OF RESERVE FUNDS.—Dur-
10 ing the COVID-19 emergency period, any costs of
11 an owner of federally assisted multifamily housing
12 for items, activities, and services related to respond-
13 ing to coronavirus or COVID-19 shall be considered
14 eligible uses for the reserve fund for replacements
15 for such housing.

16 **SEC. 116. SUPPLEMENTAL FUNDING FOR SERVICE COORDI-**
17 **NATORS TO ASSIST ELDERLY HOUSEHOLDS.**

18 (a) IN GENERAL.—There is authorized to be appro-
19 priated \$300,000,000 for grants under section 676 of the
20 Housing and Community Development Act of 1992 (42
21 U.S.C. 13632) for costs of providing service coordinators
22 for purposes of coordinating services to prevent, prepare
23 for, or respond to the public health emergency relating to
24 Coronavirus Disease 2019 (COVID-19).

1 (b) HIRING.—In the hiring of staff using amounts
2 made available pursuant to this section, grantees shall
3 consider and hire, at all levels of employment and to the
4 greatest extent possible, a diverse staff, including by race,
5 ethnicity, gender, and disability status. Each grantee shall
6 submit a report to the Secretary of Housing and Urban
7 Development describing compliance with the preceding
8 sentence not later than the expiration of the 120-day pe-
9 riod that begins upon the termination of the emergency
10 declared on March 13, 2020, by the President under the
11 Robert T. Stafford Disaster Relief and Emergency Assist-
12 ance Act (42 U.S.C. 4121 et seq.) relating to the
13 Coronavirus Disease 2019 (COVID–19) pandemic.

14 (c) ONE-TIME GRANTS.—Grants made using
15 amounts made available pursuant to subsection (a) shall
16 not be renewable.

17 (d) ONE-YEAR AVAILABILITY.—Any amounts made
18 available pursuant to this section that are allocated for
19 a grantee and remaining unexpended upon the expiration
20 of the 12-month period beginning upon such allocation
21 shall be recaptured by the Secretary.

22 **SEC. 117. FAIR HOUSING.**

23 (a) DEFINITION OF COVID–19 EMERGENCY PE-
24 RIOD.— For purposes of this section, the term “COVID–
25 19 emergency period” means the period that begins upon

1 the date of the enactment of this Act and ends upon the
2 date of the termination by the Federal Emergency Man-
3 agement Agency of the emergency declared on March 13,
4 2020, by the President under the Robert T. Stafford Dis-
5 aster Relief and Emergency Assistance Act (42 U.S.C.
6 4121 et seq.) relating to the Coronavirus Disease 2019
7 (COVID–19) pandemic.

8 (b) FAIR HOUSING ACTIVITIES.—

9 (1) FHIP; FHAP.—

10 (A) AUTHORIZATION OF APPROPRIA-
11 TIONS.—To ensure that fair housing organiza-
12 tions and State and local civil rights agencies
13 have sufficient resources to deal with expected
14 increases in fair housing complaints, to inves-
15 tigate housing discrimination, including finan-
16 cial scams that target protected classes associ-
17 ated with or resulting from the COVID–19 pan-
18 demic, and during such pandemic, there is au-
19 thorized to be appropriated for contracts,
20 grants, and other assistance—

21 (i) \$55,000,000 for the Fair Housing
22 Initiatives Program under section 561 of
23 the Housing and Community Development
24 Act of 1987 (42 U.S.C. 3616a); and

1 (ii) \$35,000,000 for the Fair Housing
2 Assistance Program under the Fair Hous-
3 ing Act (42 U.S.C. 3601 et seq.).

4 Amounts made available pursuant to this sub-
5 paragraph may be used by such organizations
6 and agencies to establish the capacity to and to
7 carry out activities and services by telephone
8 and online means, including for individuals with
9 limited English proficiency and individuals with
10 a disability in accordance with requirements
11 under the Americans With Disabilities Act of
12 1990.

13 (B) PRIVATE ENFORCEMENT INITIA-
14 TIVE.—In entering into contracts for private
15 enforcement initiatives under 561(b) of the
16 Housing and Community Development Act of
17 1987 (42 U.S.C. 3616a(b)) using amounts
18 made available pursuant to subparagraph (A)(i)
19 of this subsection, the Secretary of Housing
20 and Urban Development shall give priority to
21 applications from qualified fair housing enforce-
22 ment organizations that have at least 2 years of
23 fair housing testing experience.

24 (C) 3-YEAR AVAILABILITY.—Any amounts
25 made available pursuant subparagraph (A) that

1 are allocated for a grantee and remain unex-
2 pended upon the expiration of the 3-year period
3 beginning upon such allocation shall be recap-
4 tured by the Secretary.

5 (2) OFFICE OF FAIR HOUSING AND EQUAL OP-
6 PORTUNITY.—There is authorized to be appropriated
7 \$200,000,000 for the Office of Fair Housing and
8 Equal Opportunity of the Department of Housing
9 and Urban Development for costs of fully staffing
10 such Office to ensure robust enforcement of the Fair
11 Housing Act during the COVID–19 pandemic, in-
12 cluding ensuring that—

13 (A) assistance provided under this Act is
14 provided and administered in a manner that af-
15 firmatively furthers fair housing in accordance
16 with the Fair Housing Act;

17 (B) such Office has sufficient capacity for
18 intake of housing discrimination complaints by
19 telephone and online mechanisms, including for
20 individuals with limited English proficiency and
21 individuals with a disability in accordance with
22 requirements under the Americans With Dis-
23 abilities Act of 1990 and section 504 of the Re-
24 habilitation Act of 1973 (29 U.S.C. 794); and

1 (C) such Office has the capacity to respond
2 to all housing discrimination complaints made
3 during the COVID–19 pandemic within time
4 limitations required under law.

5 In the hiring of staff using amounts made available
6 pursuant to this subsection, the Secretary of Hous-
7 ing and Urban Development shall consider and hire,
8 at all levels of employment and to the greatest ex-
9 tent possible, a diverse staff, including by race, eth-
10 nicity, gender, and disability status. The Secretary
11 shall submit a report to the Congress describing
12 compliance with the preceding sentence on a quar-
13 terly basis, for each of the first 4 calendar quarters
14 ending after the date of the enactment of this Act.

15 (c) FAIR HOUSING GUIDANCE AND EDUCATION.—

16 (1) PROHIBITION OF SHOWINGS.—Not later
17 than the expiration of the 30-day period beginning
18 on the date of the enactment of this Act, the Sec-
19 retary of Housing and Urban Development shall
20 issue guidance for owners of dwelling units assisted
21 under housing assistance programs of the Depart-
22 ment prohibiting, during the COVID–19 emergency
23 period, of any showings of occupied assisted dwelling
24 units to prospective tenants.

1 (2) EDUCATION.—There is authorized to be ap-
2 propriated \$10,000,000 for the Office of Fair Hous-
3 ing and Equal Opportunity of the Department of
4 Housing and Urban Development to carry out a na-
5 tional media campaign to educate the public of in-
6 creased housing rights during COVID–19 emergency
7 period, that provides that information and materials
8 used in such campaign are available—

9 (A) in the languages used by communities
10 with limited English proficiency; and

11 (B) to persons with disabilities.

12 **SEC. 118. HUD COUNSELING PROGRAM AUTHORIZATION.**

13 (a) FINDINGS.—The Congress finds the following:

14 (1) The spread of COVID–19, which is now
15 considered a global pandemic, is expected to nega-
16 tively impact the incomes of potentially millions of
17 homeowners, making it difficult for them to pay
18 their mortgages on time.

19 (2) Housing counseling is critical to ensuring
20 that homeowners have the resources they need to
21 navigate the loss mitigation options available to
22 them while they are experiencing financial hardship.

23 (b) AUTHORIZATION.—There is authorized to be ap-
24 propriated the Secretary of Housing and Urban Develop-
25 ment \$700,000,000 to carry out counseling services de-

1 scribed under section 106 of the Housing and Urban De-
2 velopment Act of 1968 (12 U.S.C. 1701x).

3 **SEC. 119. DEFENSE PRODUCTION ACT OF 1950.**

4 (a) INCREASE IN AUTHORIZATIONS.—

5 (1) AUTHORIZATIONS.—In addition to amounts
6 otherwise authorized to be appropriated, there is au-
7 thorized to be appropriated in the aggregate
8 \$3,000,000,000 for fiscal year 2020 and 2021 to
9 carry out titles I and III of the Defense Production
10 Act of 1950 to produce medical ventilators, personal
11 protection equipment, and other critically needed
12 medical supplies and to carry out any other actions
13 necessary to respond to the COVID–19 emergency.

14 (2) CARRYOVER FUNDS.—Section 304(e) of the
15 Defense Production Act of 1950 shall not apply at
16 the close of fiscal year 2020.

17 (3) COVID–19 EMERGENCY.—In this section,
18 the term “COVID–19 emergency” means the emer-
19 gency declared on March 13, 2020, by the President
20 under the Robert T. Stafford Disaster Relief and
21 Emergency Assistance Act (42 U.S.C. 4121 et seq.)
22 relating to the Coronavirus Disease 2019 (COVID–
23 19) pandemic.

24 (b) STRENGTHENING CONGRESSIONAL OVERSIGHT;
25 PUBLIC PORTAL.—

1 (1) IN GENERAL.—Not later than three months
2 after the date of enactment of this Act, and every
3 three months thereafter, the Secretary of Commerce,
4 in coordination with the Secretary of Health and
5 Human Services, the Secretary of Defense, and any
6 other Federal department or agency that has utilized
7 authority under title I or title III of the Defense
8 Production Act of 1950 to respond to the COVID–
9 19 emergency, shall submit a report to the Com-
10 mittee on Financial Services of the House of Rep-
11 resentatives and the Committee on Banking, Hous-
12 ing, and Urban Affairs of the Senate—

13 (A) on the use of such authority and the
14 expenditure of any funds in connection with
15 such authority;

16 (B) that includes details of each purchase
17 order made using such authorities, including
18 the product and amount of product ordered and
19 the entity that fulfilled the contract.

20 (2) PUBLIC AVAILABILITY.—The Secretary of
21 Commerce shall place all reports submitted under
22 paragraph (1) on an appropriate website available to
23 the public, in an easily searchable format.

24 (3) SUNSET.—The requirements under this sec-
25 tion shall terminate after the expenditure of all

1 funds appropriated pursuant to the authorizations
2 under subsection (a).

3 **TITLE II—ASSISTING SMALL**
4 **BUSINESSES AND COMMU-**
5 **NITY FINANCIAL INSTITU-**
6 **TIONS**

7 **SEC. 201. SMALL BUSINESS CREDIT FACILITY.**

8 (a) ESTABLISHMENT.—The Board of Governors of
9 the Federal Reserve System shall establish a credit facility
10 to provide loans to small businesses during the COVID–
11 19 emergency.

12 (b) DEFINITIONS.—In this section:

13 (1) COVID–19 EMERGENCY.—The term
14 “COVID–19 emergency” means the period that be-
15 gins upon the date of the enactment of this Act and
16 ends on the date of the termination by the Federal
17 Emergency Management Agency of the emergency
18 declared on March 13, 2020, by the President under
19 the Robert T. Stafford Disaster Relief and Emer-
20 gency Assistance Act (42 U.S.C. 4121 et seq.) relat-
21 ing to the Coronavirus Disease 2019 (COVID–19)
22 pandemic.

23 (2) SMALL BUSINESS.—The term “small busi-
24 ness” means—

1 (A) a small business concern (as defined
2 under section 3 of the Small Business Act (15
3 U.S.C. 632);

4 (B) a family farm;

5 (C) an independent contractor; and

6 (D) any other class of businesses to which
7 the Board of Governors determines loans would
8 promote full employment and price stability.

9 **SEC. 202. SMALL BUSINESS FINANCIAL ASSISTANCE PRO-**
10 **GRAM.**

11 (a) **IN GENERAL.**—The Secretary of the Treasury
12 shall establish a Small Business Financial Assistance Pro-
13 gram under which the Secretary shall provide loans and
14 loan guarantees to small businesses.

15 (b) **APPLICATION.**—In making loans and loan guar-
16 antees under this section, the Secretary shall—

17 (1) provide a simple application process for bor-
18 rowers; and

19 (2) establish clear and easy to understand un-
20 derwriting standards for such loans.

21 (c) **ZERO-INTEREST LOANS.**—Loans made by or
22 guaranteed by the Secretary under this section shall be
23 zero-interest loans, if the small business receiving such
24 loan does not involuntarily terminate any employee of the
25 small business during the COVID–19 emergency.

1 (d) ADVANCE.—

2 (1) IN GENERAL.—Upon request from an appli-
3 cant for a loan under this section, the Secretary may
4 provide to such applicant an advance, in cash, to
5 such applicant.

6 (2) AMOUNT.—An advance provided under
7 paragraph (1) shall be in an amount equal to the
8 revenue of the applicant for the period beginning
9 January 1, 2020 and ending January 31, 2020.

10 (3) PROCEDURES.—

11 (A) REVIEW.—The Secretary shall have 1
12 week from the receipt of a request for an ad-
13 vance under paragraph (1) to conduct a risk as-
14 sessment of the applicant to determine whether
15 to approve or deny such request.

16 (B) APPROVAL.—If the Secretary does not
17 deny a request under subparagraph (A), the ad-
18 vance shall be directly deposited into the ac-
19 count identified by the applicant.

20 (C) REMAINING FUNDS.—Not later than 4
21 weeks after approving a request of an applicant
22 under subparagraph (A), the Secretary shall
23 disburse the remaining funds to such applicant.

24 (e) FORGIVENESS.—If small business that receives a
25 loan or loan guarantee under this section demonstrates to

1 the Secretary that the number of full-time employees of
2 such small business on the date such small business sub-
3 mitted an application under this section is greater than
4 or equal to the number of full-time employees of such
5 small business on the date that is 1 year after the date
6 of such submission, the Secretary shall forgive the remain-
7 ing outstanding principal and interest on such loan or loan
8 guarantee.

9 (f) FUNDING.—The Secretary shall use
10 \$50,000,000,000 from the Exchange Stabilization Fund,
11 without further appropriation, to carry out this section.

12 (g) DEFINITIONS.—In this section:

13 (1) COVID–19 EMERGENCY.—The term
14 “COVID–19 emergency” means the period that—

15 (A) begins on the declaration of the emer-
16 gency declared on March 13, 2020, by the
17 President under the Robert T. Stafford Dis-
18 aster Relief and Emergency Assistance Act (42
19 U.S.C. 4121 et seq.) relating to the
20 Coronavirus Disease 2019 (COVID–19) pan-
21 demic; and

22 (B) ends on the termination by the Federal
23 Emergency Management Agency of such emer-
24 gency.

1 (2) SMALL BUSINESS.—The term “small busi-
2 ness” means—

3 (A) a small business concern (as defined
4 under section 3 of the Small Business Act (15
5 U.S.C. 632);

6 (B) a family farm; and

7 (C) an independent contractor.

8 **SEC. 203. LOAN AND OBLIGATION PAYMENT RELIEF FOR**
9 **AFFECTED SMALL BUSINESSES AND NON-**
10 **PROFITS.**

11 (a) IN GENERAL.—

12 (1) IN GENERAL.—During the COVID–19
13 emergency, a debt collector may not, with respect to
14 a debt of a small business or non-profit (other than
15 debt related to a federally related mortgage loan)—

16 (A) capitalize unpaid interest;

17 (B) apply a higher interest rate triggered
18 by the nonpayment of a debt to the debt bal-
19 ance;

20 (C) charge a fee triggered by the non-
21 payment of a debt;

22 (D) sue or threaten to sue for nonpayment
23 of a debt;

1 (E) continue litigation to collect a debt
2 that was initiated before the date of enactment
3 of this section;

4 (F) submit or cause to be submitted a con-
5 fession of judgment to any court;

6 (G) enforce a security interest through re-
7 possession, limitation of use, or foreclosure;

8 (H) take or threaten to take any action to
9 enforce collection, or any adverse action for
10 nonpayment of a debt, or for nonappearance at
11 any hearing relating to a debt;

12 (I) commence or continue any action to
13 cause or to seek to cause the collection of a
14 debt, including pursuant to a court order issued
15 before the end of the 120-day period following
16 the end of the COVID–19 emergency, from
17 wages, Federal benefits, or other amounts due
18 to a small business or non-profit by way of gar-
19 nishment, deduction, offset, or other seizure;

20 (J) cause or seek to cause the collection of
21 a debt, including pursuant to a court order
22 issued before the end of the 120-day period fol-
23 lowing the end of the COVID–19 emergency, by
24 levying on funds from a bank account or seizing

1 any other assets of a small business or non-
2 profit;

3 (K) commence or continue an action to
4 evict a small business or non-profit from real or
5 personal property; or

6 (L) disconnect or terminate service from
7 utility service, including electricity, natural gas,
8 telecommunications or broadband, water, or
9 sewer.

10 (2) RULE OF CONSTRUCTION.—Nothing in this
11 subsection may be construed to prohibit a small
12 business or non-profit from voluntarily paying, in
13 whole or in part, a debt.

14 (3) REPAYMENT PERIOD.—After the expiration
15 of the COVID–19 emergency, with respect to a debt
16 described under paragraph (1), a debt collector—

17 (A) may not add to the debt balance any
18 interest or fee prohibited by paragraph (1);

19 (B) shall, for credit with a defined term or
20 payment period, extend the time period to repay
21 the debt balance by 1 payment period for each
22 payment that a small business or non-profit
23 missed during the COVID–19 emergency, with
24 the payments due in the same amounts and at

1 the same intervals as the pre-existing payment
2 schedule;

3 (C) shall, for an open end credit plan (as
4 defined under section 103 of the Truth in
5 Lending Act) or other credit without a defined
6 term, allow the small business or non-profit to
7 repay the debt balance in a manner that does
8 not exceed the amounts permitted by formulas
9 under section 170(c) of the Truth in Lending
10 Act and regulations promulgated thereunder;
11 and

12 (D) shall, when the small business or non-
13 profit notifies the debt collector, offer reason-
14 able and affordable repayment plans, loan
15 modifications, refinancing, options with a rea-
16 sonable time in which to repay the debt.

17 (4) COMMUNICATIONS IN CONNECTION WITH
18 THE COLLECTION OF A DEBT.—

19 (A) IN GENERAL.—During the COVID–19
20 emergency, without prior consent of a small
21 business or non-profit given directly to a debt
22 collector during the COVID–19 emergency, or
23 the express permission of a court of competent
24 jurisdiction, a debt collector may only commu-
25 nicate in writing in connection with the collec-

1 tion of any debt (other than debt related to a
2 federally related mortgage loan).

3 (B) REQUIRED DISCLOSURES.—

4 (i) IN GENERAL.—All written commu-
5 nications described under subparagraph
6 (A) shall inform the small business or non-
7 profit that the communication is for infor-
8 mational purposes and is not an attempt to
9 collect a debt.

10 (ii) REQUIREMENTS.—The disclosure
11 required under clause (i) shall be made—

12 (I) in type or lettering not small-
13 er than 14-point bold type;

14 (II) separate from any other dis-
15 closure;

16 (III) in a manner designed to en-
17 sure that the recipient sees the disclo-
18 sure clearly;

19 (IV) in English and Spanish and
20 in any additional languages in which
21 the debt collector communicates, in-
22 cluding the language in which the
23 loan was negotiated, to the extent
24 known by the debt collector; and

1 (V) may be provided by first-
2 class mail or electronically, if the bor-
3 rower has otherwise consented to elec-
4 tronic communication with the debt
5 collector and has not revoked such
6 consent.

7 (iii) ORAL NOTIFICATION.—Any oral
8 notification shall be provided in the lan-
9 guage the debt collector otherwise uses to
10 communicate with the borrower.

11 (iv) WRITTEN TRANSLATIONS.—In
12 providing written notifications in languages
13 other than English in this Section, a debt
14 collector may rely on written translations
15 developed by the Bureau of Consumer Fi-
16 nancial Protection.

17 (5) VIOLATIONS.—

18 (A) IN GENERAL.—Any person who vio-
19 lates this section shall—

20 (i) except as provided under clause
21 (ii), be subject to civil liability in accord-
22 ance with section 813 of the Fair Debt
23 Collection Practices Act, as if the person is
24 a debt collector for purposes of that sec-
25 tion.

1 (B) PREDISPUTE ARBITRATION AGREE-
2 MENTS.—Notwithstanding any other provision
3 of law, no predispute arbitration agreement or
4 predispute joint-action waiver shall be valid or
5 enforceable with respect to a dispute brought
6 under this section, including a dispute as to the
7 applicability of this section, which shall be de-
8 termined under Federal law.

9 (6) TOLLING.—Except as provided in para-
10 graph (7)(D), any applicable time limitations, in-
11 cluding statutes of limitations, related to a debt
12 under Federal or State law shall be tolled during the
13 COVID–19 emergency.

14 (7) CLAIMS OF AFFECTED CREDITORS AND
15 DEBT COLLECTORS.—

16 (A) VALUATION OF PROPERTY.—With re-
17 spect to any action asserting a taking under the
18 Fifth Amendment of the Constitution of the
19 United States as a result of this section or
20 seeking a declaratory judgment regarding the
21 constitutionality of this section, the value of the
22 property alleged to have been taken without
23 just compensation shall be evaluated—

24 (i) with consideration of the likelihood
25 of full and timely payment of the obliga-

1 tion without the actions taken pursuant to
2 this section; and

3 (ii) without consideration of any as-
4 sistance provided directly or indirectly to
5 the small business or non-profit from other
6 Federal, State, and local government pro-
7 grams instituted or legislation enacted in
8 response to the COVID–19 emergency.

9 (B) SCOPE OF JUST COMPENSATION.—In
10 an action described in subparagraph (A), any
11 assistance or benefit provided directly or indi-
12 rectly to the person from other Federal, State,
13 and local government programs instituted in or
14 legislation enacted response to the COVID–19
15 emergency, shall be deemed to be compensation
16 for the property taken, even if such assistance
17 or benefit is not specifically provided as com-
18 pensation for property taken by this section.

19 (C) APPEALS.—Any appeal from an action
20 under this section shall be treated under section
21 158 of title 28, United States Code, as if it
22 were an appeal in a case under title 11, United
23 States Code.

24 (D) REPOSE.—Any action asserting a tak-
25 ing under the Fifth Amendment to the Con-

1 stitution of the United States as a result of this
2 section shall be brought within not later than
3 180 days after the end of the COVID–19 emer-
4 gency.

5 (8) DEFINITIONS.—In this section:

6 (A) COVID–19 EMERGENCY.—The term
7 “COVID–19 emergency” means the period that
8 begins upon the date of the enactment of this
9 Act and ends on the date of the termination by
10 the Federal Emergency Management Agency of
11 the emergency declared on March 13, 2020, by
12 the President under the Robert T. Stafford Dis-
13 aster Relief and Emergency Assistance Act (42
14 U.S.C. 4121 et seq.) relating to the
15 Coronavirus Disease 2019 (COVID–19) pan-
16 demic.

17 (B) CREDITOR.—The term “creditor”
18 means—

19 (i) any person who offers or extends
20 credit creating a debt or to whom a debt
21 is owed or other obligation for payment;

22 (ii) any lessor of real or personal
23 property; or

24 (iii) any provider of utility services.

25 (C) DEBT.—The term “debt”—

1 (i) means any obligation or alleged ob-
2 ligation—

3 (I) for which the original agree-
4 ment, or if there is no agreement, the
5 original obligation to pay was created
6 before or during the COVID–19 emer-
7 gency, whether or not such obligation
8 has been reduced to judgment; and

9 (II) that arises out of a trans-
10 action with a small business or non-
11 profit; and

12 (ii) does not include a federally re-
13 lated mortgage loan.

14 (D) DEBT COLLECTOR.—The term “debt
15 collector” means a creditor, and any person or
16 entity that engages in the collection of debt, in-
17 cluding the Federal Government and a State
18 government, irrespective of whether the debt is
19 allegedly owed to or assigned to that person or
20 to the entity.

21 (E) FEDERALLY RELATED MORTGAGE
22 LOAN.—The term “federally related mortgage
23 loan” has the meaning given that term under
24 section 3 of the Real Estate Settlement Proce-
25 dures Act of 1974 (12 U.S.C. 2602).

1 (F) NON-PROFIT.—The term “non-profit”
2 means an organization described in section
3 501(c)(3) of the Internal Revenue Code of 1986
4 and exempt from taxation under section 501(a)
5 of such Code.

6 (G) SMALL BUSINESS.—The term “small
7 business” has the meaning given the term
8 “small business concern” under section 3 of the
9 Small Business Act.

10 (b) CREDIT FACILITY FOR OTHER PURPOSES.—The
11 Board of Governors of the Federal Reserve System shall
12 establish a facility that the Board of Governors shall use
13 to make payments to holders of loans or obligations to
14 compensate such holders for documented financial
15 losses—

16 (1) with respect to a loan made to an indi-
17 vidual, small business, or non-profit; and

18 (2) where such losses were caused by a suspen-
19 sion of payments required under Federal law in con-
20 nection with the COVID–19 emergency.

21 **SEC. 204. REAUTHORIZATION OF THE STATE SMALL BUSI-**
22 **NESS CREDIT INITIATIVE ACT OF 2010.**

23 The State Small Business Credit Initiative Act of
24 2010 (15 U.S.C. 5701 et seq.) is amended—

1 (1) by striking “2009 allocation” each place
2 such term appears and inserting “2019 allocation”;

3 (2) by striking “2010 allocation” each place
4 such term appears and inserting “2020 allocation”;

5 (3) by striking “date of enactment of this Act”
6 each place it appears and inserting “date of the en-
7 actment of the Small Business Support and Access
8 to Capital Act of 2020”;

9 (4) by striking “date of the enactment of this
10 Act” each place it appears and inserting “date of
11 the enactment of the Small Business Support and
12 Access to Capital Act of 2020”;

13 (5) in section 3003(b)(2)—

14 (A) in the section heading, by striking
15 “**2009 ALLOCATION FORMULA**” and inserting
16 striking “**2019 ALLOCATION FORMULA**”;

17 (B) by striking “2008 State employment
18 decline” each place such term appears and in-
19 serting “2018 State employment decline”;

20 (C) in subparagraph (A), by striking
21 “2009 allocation” and inserting “2019 alloca-
22 tion”; and

23 (D) in subparagraph (C)—

24 (i) in the subparagraph heading, by
25 striking “2008 STATE EMPLOYMENT DE-

1 CLINE DEFINED” and inserting “2018
2 STATE EMPLOYMENT DECLINE DEFINED”;

3 (ii) in clause (i), by striking “Decem-
4 ber 2007” and inserting “December
5 2017”; and

6 (iii) in clause (ii), by striking “Decem-
7 ber 2008” and inserting “December
8 2018”;

9 (6) in section 3003(b)(3)—

10 (A) in the section heading, by striking
11 “**2010 ALLOCATION FORMULA**” and inserting
12 striking “**2020 ALLOCATION FORMULA**”;

13 (B) by striking “2009 unemployment num-
14 ber” each place such term appears and insert-
15 ing “2019 unemployment number”; and

16 (C) in subparagraph (C)—

17 (i) in the subparagraph heading, by
18 striking “2009 UNEMPLOYMENT NUMBER
19 DEFINED” and inserting “2019 UNEMPLOY-
20 MENT NUMBER DEFINED”; and

21 (ii) by striking “December 2009” and
22 inserting “December 2019”;

23 (7) in section 3005(e), by striking “to the Sec-
24 retary a report” and inserting “to the Secretary and
25 Congress a report”;

1 (8) in section 3007—

2 (A) in subsection (a)(1), by striking “ to
3 the Secretary a report” and inserting “to the
4 Secretary and Congress a report”; and

5 (B) in subsection (b)—

6 (i) by striking “March 31, 2011” and
7 inserting “March 31, 2021”; and

8 (ii) by striking “to the Secretary” and
9 inserting “to the Secretary and Congress”;
10 and

11 (9) in section 3009—

12 (A) in subsection (b), by striking
13 “\$1,500,000,000” and inserting
14 “\$10,000,000,000”;

15 (B) in subsection (c), by adding at the end
16 the following new sentence: “At the end of such
17 period, any amounts that remain unexpended or
18 unobligated shall be transferred to the Commu-
19 nity Development Financial Institutions Fund
20 established under section 104(a) of the Riegle
21 Community Development and Regulatory Im-
22 provement Act of 1994.”.

1 **SEC. 205. FUNDING OF THE INITIATIVE TO BUILD GROWTH**
2 **EQUITY FUNDS FOR MINORITY BUSINESSES.**

3 (a) GRANT.—The Minority Business Development
4 Agency shall provide a grant of \$3,000,000,000 to fully
5 implement the Initiative to Build Growth Equity Funds
6 for Minority Businesses (the “Initiative”; award number
7 MB19OBD8020113), including to use such amounts as
8 capital for the Equity Funds.

9 (b) ADMINISTRATIVE EXPENSES.—Of the amounts
10 provided under subsection (a), the grant recipient may use
11 not more than 2.25 percent of such amount for adminis-
12 trative expenses, of which—

13 (1) not more than 1.5 percent per annum may
14 be used for fees to be paid to investment managers
15 for fund investment activities, including deal
16 sourcing, due diligence, investment monitoring, and
17 investment reporting; and

18 (2) not more than 0.75 percent per annum may
19 be used for fund administration activities by the
20 grant recipient, including fund manager evaluation,
21 selection, monitoring, and overall fund program
22 management.

23 (c) TREATMENT OF INTEREST.—Notwithstanding
24 any other provision of law, with the approval of the Minor-
25 ity Business Development Agency, grant funds made
26 available under subsection (a) may be deposited in inter-

1 est-bearing accounts pending disbursement, and any inter-
2 est which accrues may be retained without returning such
3 interest to the Treasury of the United States and interest
4 earned may be obligated and expended for the purposes
5 for which the grant was made available without further
6 appropriation.

7 (d) REPORTING AND AUDIT REQUIREMENTS.—

8 (1) REPORTING BY RECIPIENT.—The grant re-
9 cipient under this section shall issue a report to the
10 Minority Business Development Agency every 6
11 months detailing the use of grant funds received
12 under this section and any other information that
13 the Minority Business Development Agency may re-
14 quire.

15 (2) ANNUAL REPORT TO CONGRESS.—The Mi-
16 nority Business Development Agency shall issue an
17 annual report to the Congress containing the infor-
18 mation received under paragraph (1) and an anal-
19 ysis of the implementation of the Initiative.

20 (3) GAO AUDIT.—The Comptroller General of
21 the United States shall, every 2 years, carry out an
22 audit of the Initiative and issue a report to the Con-
23 gress and the Minority Business Development Agen-
24 cy containing the results of such audit.

1 (4) FUND MANAGERS.—Fund managers shall
2 annually report on their fund management activities,
3 including—

4 (A) fund performance;

5 (B) impacts of capital investments by in-
6 dustry and geography;

7 (C) racial, ethnic, and gender demo-
8 graphics of minority businesses receiving capital
9 from the Initiative; and

10 (D) any other ancillary and economic bene-
11 fits of capital investments from the Initiative.

12 (e) FUNDING.—There is authorized to be appro-
13 priated to the Minority Business Development Agency
14 \$3,000,000,000 to make the grant described under sub-
15 section (a).

16 **SEC. 206. COMMUNITY DEVELOPMENT FINANCIAL INSTITU-**
17 **TIONS FUND SUPPLEMENTAL APPROPRIA-**
18 **TION AUTHORIZATION.**

19 There is authorized to be appropriated
20 \$1,000,000,000 for fiscal year 2020, for providing finan-
21 cial assistance and technical assistance under subpara-
22 graphs (A) and (B) of section 108(a)(1) of the Community
23 Development Banking and Financial Institutions Act of
24 1994 (12 U.S.C. 4707(a)(1)), except that subsections (d)

1 and (e) of such section 108 shall not apply to the provision
2 of such assistance.

3 **SEC. 207. MINORITY DEPOSITORY INSTITUTION.**

4 (a) SENSE OF CONGRESS ON FUNDING THE LOAN-
5 LOSS RESERVE FUND FOR SMALL DOLLAR LOANS.—The
6 sense of Congress is the following:

7 (1) The Community Development Financial In-
8 stitutions Fund (the “CDFI Fund”) is an agency of
9 the Department of the Treasury, and was estab-
10 lished by the Riegle Community Development and
11 Regulatory Improvement Act of 1994. The mission
12 of the CDFI Fund is “to expand economic oppor-
13 tunity for underserved people and communities by
14 supporting the growth and capacity of a national
15 network of community development lenders, inves-
16 tors, and financial service providers”. A community
17 development financial institution (a “CDFI”) is a
18 specialized financial institution serving low-income
19 communities and a Community Development Entity
20 (a “CDE”) is a domestic corporation or partnership
21 that is an intermediary vehicle for the provision of
22 loans, investments, or financial counseling in low-in-
23 come communities. The CDFI Fund certifies CDFIs
24 and CDEs. Becoming a certified CDFI or CDE al-

1 lows organizations to participate in various CDFI
2 Fund programs as follows:

3 (A) The Bank Enterprise Award Program,
4 which provides FDIC-insured depository institu-
5 tions awards for a demonstrated increase in
6 lending and investments in distressed commu-
7 nities and CDFIs.

8 (B) The CDFI Program, which provides
9 Financial and Technical Assistance awards to
10 CDFIs to reinvest in the CDFI, and to build
11 the capacity of the CDFI, including financing
12 product development and loan loss reserves.

13 (C) The Native American CDFI Assistance
14 Program, which provides CDFIs and spon-
15 soring entities Financial and Technical Assist-
16 ance awards to increase lending and grow the
17 number of CDFIs owned by Native Americans
18 to help build capacity of such CDFIs.

19 (D) The New Market Tax Credit Program,
20 which provides tax credits for making equity in-
21 vestments in CDEs that stimulate capital in-
22 vestments in low-income communities.

23 (E) The Capital Magnet Fund, which pro-
24 vides awards to CDFIs and nonprofit affordable
25 housing organizations to finance affordable

1 housing solutions and related economic develop-
2 ment activities.

3 (F) The Bond Guarantee Program, a
4 source of long-term, patient capital for CDFIs
5 to expand lending and investment capacity for
6 community and economic development purposes.

7 (2) The Department of the Treasury is author-
8 ized to create multi-year grant programs designed to
9 encourage low-to-moderate income individuals to es-
10 tablish accounts at federally insured banks, and to
11 improve low-to-moderate income individuals' access
12 to such accounts on reasonable terms.

13 (3) Under this authority, grants to participants
14 in CDFI Fund programs may be used for loan-loss
15 reserves and to establish small-dollar loan programs
16 by subsidizing related losses. These grants also allow
17 for the providing recipients with the financial coun-
18 seling and education necessary to conduct trans-
19 actions and manage their accounts. These loans pro-
20 vide low-cost alternatives to payday loans and other
21 nontraditional forms of financing that often impose
22 excessive interest rates and fees on borrowers, and
23 lead millions of Americans to fall into debt traps.
24 Small-dollar loans can only be made pursuant to

1 terms, conditions, and practices that are reasonable
2 for the individual consumer obtaining the loan.

3 (4) Program participation is restricted to eligi-
4 ble institutions, which are limited to organizations
5 listed in section 501(c)(3) of the Internal Revenue
6 Code and exempt from tax under 501(a) of such
7 Code, federally insured depository institutions, com-
8 munity development financial institutions and State,
9 local, or Tribal government entities.

10 (5) Since its founding, the CDFI Fund has
11 awarded over \$3,300,000,000 to CDFIs and CDEs,
12 allocated \$54,000,000,000 in tax credits, and
13 \$1,510,000,000 in bond guarantees. According to
14 the CDFI Fund, some programs attract as much as
15 \$10 in private capital for every \$1 invested by the
16 CDFI Fund. The Administration and the Congress
17 should prioritize appropriation of funds for the loan
18 loss reserve fund and technical assistance programs
19 administered by the Community Development Finan-
20 cial Institution Fund, as included in the version of
21 the “Financial Services and General Government
22 Appropriations Act, 2020” (H.R. 3351) that passed
23 the House of Representatives on June, 26, 2019.

24 (b) DEFINITIONS.—In this section:

1 (1) COMMUNITY DEVELOPMENT FINANCIAL IN-
2 STITUTION.—The term “community development fi-
3 nancial institution” has the meaning given under
4 section 103 of the Riegle Community Development
5 and Regulatory Improvement Act of 1994 (12
6 U.S.C. 4702).

7 (2) MINORITY DEPOSITORY INSTITUTION.—The
8 term “minority depository institution” has the
9 meaning given under section 308 of the Financial
10 Institutions Reform, Recovery, and Enforcement Act
11 of 1989 (12 U.S.C. 1463 note), as amended by this
12 Act.

13 (c) INCLUSION OF WOMEN’S BANKS IN THE DEFINI-
14 TION OF MINORITY DEPOSITORY INSTITUTION.—Section
15 308(b)(1) of the Financial Institutions Reform, Recovery,
16 and Enforcement Act of 1989 (12 U.S.C. 1463 note) is
17 amended—

18 (1) by redesignating subparagraphs (A), (B),
19 and (C) as clauses (i), (ii), and (iii), respectively;

20 (2) by striking “means any” and inserting the
21 following: “means—

22 “(A) any”; and

23 (3) in clause (iii) (as so redesignated), by strik-
24 ing the period at the end and inserting “; or”; and

1 (4) by inserting at the end the following new
2 subparagraph:

3 “(B) any bank described in clause (i), (ii),
4 or (iii) of section 19(b)(1)(A) of the Federal
5 Reserve Act—

6 “(i) more than 50 percent of the out-
7 standing shares of which are held by 1 or
8 more women; and

9 “(ii) the majority of the directors on
10 the board of directors of which are
11 women.”.

12 (d) ESTABLISHMENT OF IMPACT BANK DESIGNA-
13 TION.—

14 (1) IN GENERAL.—Each appropriate Federal
15 banking agency shall establish a program under
16 which a depository institution with total consolidated
17 assets of less than \$10,000,000,000 may elect to be
18 designated as an impact bank if 50 percent or more
19 of the loans extended by such covered bank are ex-
20 tended to low-income borrowers.

21 (2) DESIGNATION.—Based on data obtained
22 through examinations, an appropriate Federal bank-
23 ing agency shall submit a notification to a depository
24 institution stating that the depository institution
25 qualifies for designation as an impact bank.

1 (3) APPLICATION.—A depository institution
2 that does not receive a notification described in
3 paragraph (2) may submit an application to the ap-
4 propriate Federal banking agency demonstrating
5 that the depository institution qualifies for designa-
6 tion as an impact bank.

7 (4) ADDITIONAL DATA OR OVERSIGHT.—A de-
8 pository institution is not required to submit addi-
9 tional data to an appropriate Federal banking agen-
10 cy or be subject to additional oversight from such an
11 agency if such data or oversight is related specifi-
12 cally and solely for consideration for a designation
13 as an impact bank.

14 (5) REMOVAL OF DESIGNATION.—If an appro-
15 priate Federal banking agency determines that a de-
16 pository institution designated as an impact bank no
17 longer meets the criteria for such designation, the
18 appropriate Federal banking agency shall rescind
19 the designation and notify the depository institution
20 of such rescission.

21 (6) RECONSIDERATION OF DESIGNATION; AP-
22 PEALS.—A depository institution may—

23 (A) submit to the appropriate Federal
24 banking agency a request to reconsider a deter-

1 mination that such depository institution no
2 longer meets the criteria for the designation; or

3 (B) file an appeal in accordance with pro-
4 cedures established by the appropriate Federal
5 banking agency.

6 (7) RULEMAKING.—Not later than 1 year after
7 the date of the enactment of this Act, the appro-
8 priate Federal banking agencies shall jointly issue
9 rules to carry out the requirements of this sub-
10 section, including by providing a definition of a low-
11 income borrower.

12 (8) FEDERAL DEPOSIT INSURANCE ACT DEFINI-
13 TIONS.—In this subsection, the terms “depository
14 institution” and “appropriate Federal banking agen-
15 cy” have the meanings given such terms, respec-
16 tively, in section 3 of the Federal Deposit Insurance
17 Act (12 U.S.C. 1813).

18 (e) MINORITY DEPOSITORY INSTITUTIONS ADVISORY
19 COMMITTEES.—

20 (1) ESTABLISHMENT.—Each covered regulator
21 shall establish an advisory committee to be called the
22 “Minority Depository Institutions Advisory Com-
23 mittee”.

24 (2) DUTIES.—Each Minority Depository Insti-
25 tutions Advisory Committee shall provide advice to

1 the respective covered regulator on meeting the goals
2 established by section 308 of the Financial Institu-
3 tions Reform, Recovery, and Enforcement Act of
4 1989 (12 U.S.C. 1463 note) to preserve the present
5 number of covered minority institutions, preserve the
6 minority character of minority-owned institutions in
7 cases involving mergers or acquisitions, provide tech-
8 nical assistance, and encourage the creation of new
9 covered minority institutions. The scope of the work
10 of each such Minority Depository Institutions Advi-
11 sory Committee shall include an assessment of the
12 current condition of covered minority institutions,
13 what regulatory changes or other steps the respec-
14 tive agencies may be able to take to fulfill the re-
15 quirements of such section 308, and other issues of
16 concern to minority depository institutions.

17 (3) MEMBERSHIP.—

18 (A) IN GENERAL.—Each Minority Deposi-
19 tory Institutions Advisory Committee shall con-
20 sist of no more than 10 members, who—

21 (i) shall serve for one two-year term;

22 (ii) shall serve as a representative of
23 a depository institution or an insured cred-
24 it union with respect to which the respec-
25 tive covered regulator is the covered regu-

1 lator of such depository institution or in-
2 sured credit union; and

3 (iii) shall not receive pay by reason of
4 their service on the advisory committee,
5 but may receive travel or transportation
6 expenses in accordance with section 5703
7 of title 5, United States Code.

8 (B) DIVERSITY.—To the extent prac-
9 ticable, each covered regulator shall ensure that
10 the members of Minority Depository Institu-
11 tions Advisory Committee of such agency reflect
12 the diversity of depository institutions.

13 (4) MEETINGS.—

14 (A) IN GENERAL.—Each Minority Deposi-
15 tory Institutions Advisory Committee shall meet
16 not less frequently than twice each year.

17 (B) INVITATIONS.—Each Minority Deposi-
18 tory Institutions Advisory Committee shall in-
19 vite the attendance at each meeting of the Mi-
20 nority Depository Institutions Advisory Com-
21 mittee of—

22 (i) one member of the majority party
23 and one member of the minority party of
24 the Committee on Financial Services of the
25 House of Representatives and the Com-

1 mittee on Banking, Housing, and Urban
2 Affairs of the Senate; and

3 (ii) one member of the majority party
4 and one member of the minority party of
5 any relevant subcommittees of such com-
6 mittees.

7 (5) NO TERMINATION OF ADVISORY COMMIT-
8 TEES.—The termination requirements under section
9 14 of the Federal Advisory Committee Act (5 U.S.C.
10 app.) shall not apply to a Minority Depository Insti-
11 tutions Advisory Committee established pursuant to
12 this subsection.

13 (6) DEFINITIONS.—In this subsection:

14 (A) COVERED REGULATOR.—The term
15 “covered regulator” means the Comptroller of
16 the Currency, the Board of Governors of the
17 Federal Reserve System, the Federal Deposit
18 Insurance Corporation, and the National Credit
19 Union Administration.

20 (B) COVERED MINORITY INSTITUTION.—
21 The term “covered minority institution” means
22 a minority depository institution (as defined in
23 section 308(b) of the Financial Institutions Re-
24 form, Recovery, and Enforcement Act of 1989
25 (12 U.S.C. 1463 note)) or a minority credit

1 union (as defined in section 1204(c) of the Fi-
2 nancial Institutions Reform, Recovery, and En-
3 forcement Act of 1989, as amended by this
4 Act).

5 (C) DEPOSITORY INSTITUTION.—The term
6 “depository institution” has the meaning given
7 under section 3 of the Federal Deposit Insur-
8 ance Act (12 U.S.C. 1813).

9 (D) INSURED CREDIT UNION.—The term
10 “insured credit union” has the meaning given
11 in section 101 of the Federal Credit Union Act
12 (12 U.S.C. 1752).

13 (7) TECHNICAL AMENDMENT.—Section 308(b)
14 of the Financial Institutions Reform, Recovery, and
15 Enforcement Act of 1989 (12 U.S.C. 1463 note) is
16 amended by adding at the end the following new
17 paragraph:

18 “(3) DEPOSITORY INSTITUTION.—The term ‘de-
19 pository institution’ means an ‘insured depository in-
20 stitution’ (as defined in section 3 of the Federal De-
21 posit Insurance Act (12 U.S.C. 1813)) and an in-
22 sured credit union (as defined in section 101 of the
23 Federal Credit Union Act (12 U.S.C. 1752)).”.

24 (f) FEDERAL DEPOSITS IN MINORITY DEPOSITORY
25 INSTITUTIONS.—

1 (1) IN GENERAL.—Section 308 of the Financial
2 Institutions Reform, Recovery, and Enforcement Act
3 of 1989 (12 U.S.C. 1463 note) is amended—

4 (A) by adding at the end the following new
5 subsection:

6 “(d) FEDERAL DEPOSITS.—The Secretary of the
7 Treasury shall ensure that deposits made by Federal agen-
8 cies in minority depository institutions and impact banks
9 are fully collateralized or fully insured, as determined by
10 the Secretary. Such deposits shall include reciprocal de-
11 posits as defined in section 337.6(e)(2)(v) of title 12, Code
12 of Federal Regulations (as in effect on March 6, 2019).”;
13 and

14 (B) in subsection (b), as amended by sec-
15 tion 6(g), by adding at the end the following
16 new paragraph:

17 “(4) IMPACT BANK.—The term ‘impact bank’
18 means a depository institution designated by an ap-
19 propriate Federal banking agency pursuant to sec-
20 tion 5 of the Ensuring Diversity in Community
21 Banking Act of 2020.”.

22 (2) TECHNICAL AMENDMENTS.—Section 308 of
23 the Financial Institutions Reform, Recovery, and
24 Enforcement Act of 1989 (12 U.S.C. 1463 note) is
25 amended—

1 (A) in the matter preceding paragraph (1),
2 by striking “section—” and inserting “sec-
3 tion:”; and

4 (B) in the paragraph heading for para-
5 graph (1), by striking “FINANCIAL” and insert-
6 ing “DEPOSITORY”.

7 (g) MINORITY BANK DEPOSIT PROGRAM.—

8 (1) IN GENERAL.—Section 1204 of the Finan-
9 cial Institutions Reform, Recovery, and Enforcement
10 Act of 1989 (12 U.S.C. 1811 note) is amended to
11 read as follows:

12 **“SEC. 1204. EXPANSION OF USE OF MINORITY BANKS AND**
13 **MINORITY CREDIT UNIONS.**

14 “(a) MINORITY BANK DEPOSIT PROGRAM.—

15 “(1) ESTABLISHMENT.—There is established a
16 program to be known as the ‘Minority Bank Deposit
17 Program’ to expand the use of minority banks and
18 minority credit unions.

19 “(2) ADMINISTRATION.—The Secretary of the
20 Treasury, acting through the Fiscal Service, shall—

21 “(A) on application by a depository institu-
22 tion or credit union, certify whether such depos-
23 itory institution or credit union is a minority
24 bank or minority credit union;

1 “(B) maintain and publish a list of all de-
2 pository institutions and credit unions that have
3 been certified pursuant to subparagraph (A);
4 and

5 “(C) periodically distribute the list de-
6 scribed in subparagraph (B) to—

7 “(i) all Federal departments and
8 agencies;

9 “(ii) interested State and local govern-
10 ments; and

11 “(iii) interested private sector compa-
12 nies.

13 “(3) INCLUSION OF CERTAIN ENTITIES ON
14 LIST.—A depository institution or credit union that,
15 on the date of the enactment of this section, has a
16 current certification from the Secretary of the
17 Treasury stating that such depository institution or
18 credit union is a minority bank or minority credit
19 union shall be included on the list described under
20 paragraph (2)(B).

21 “(b) EXPANDED USE AMONG FEDERAL DEPART-
22 MENTS AND AGENCIES.—

23 “(1) IN GENERAL.—Not later than 1 year after
24 the establishment of the program described in sub-
25 section (a), the head of each Federal department or

1 agency shall develop and implement standards and
2 procedures to ensure, to the maximum extent pos-
3 sible as permitted by law, the use of minority banks
4 and minority credit unions to serve the financial
5 needs of each such department or agency.

6 “(2) REPORT TO CONGRESS.—Not later than 2
7 years after the establishment of the program de-
8 scribed in subsection (a), and annually thereafter,
9 the head of each Federal department or agency shall
10 submit to Congress a report on the actions taken to
11 increase the use of minority banks and minority
12 credit unions to serve the financial needs of each
13 such department or agency.

14 “(c) DEFINITIONS.—For purposes of this section:

15 “(1) CREDIT UNION.—The term ‘credit union’
16 has the meaning given the term ‘insured credit
17 union’ in section 101 of the Federal Credit Union
18 Act (12 U.S.C. 1752).

19 “(2) DEPOSITORY INSTITUTION.—The term ‘de-
20 pository institution’ has the meaning given the term
21 ‘insured depository institution’ in section 3 of the
22 Federal Deposit Insurance Act (12 U.S.C. 1813).

23 “(3) MINORITY.—The term ‘minority’ means
24 any Black American, Native American, Hispanic
25 American, or Asian American.

1 “(4) MINORITY BANK.—The term ‘minority
2 bank’ means a minority depository institution as de-
3 fined in section 308 of this Act.

4 “(5) MINORITY CREDIT UNION.—The term ‘mi-
5 nority credit union’ means any credit union for
6 which more than 50 percent of the membership (in-
7 cluding board members) of such credit union are mi-
8 nority individuals, as determined by the National
9 Credit Union Administration pursuant to section
10 308 of this Act.”.

11 (2) CONFORMING AMENDMENTS.—The fol-
12 lowing provisions are amended by striking
13 “1204(c)(3)” and inserting “1204(c)”:

14 (A) Section 808(b)(3) of the Community
15 Reinvestment Act of 1977 (12 U.S.C.
16 2907(b)(3)).

17 (B) Section 40(g)(1)(B) of the Federal De-
18 posit Insurance Act (12 U.S.C.
19 1831q(g)(1)(B)).

20 (C) Section 704B(h)(4) of the Equal Cred-
21 it Opportunity Act (15 U.S.C. 1691e–2(h)(4)).

22 (h) DIVERSITY REPORT AND BEST PRACTICES.—

23 (1) ANNUAL REPORT.—Each covered regulator
24 shall submit to Congress an annual report on diver-
25 sity including the following:

1 (A) Data, based on voluntary self-identi-
2 fication, on the racial, ethnic, and gender com-
3 position of the examiners of each covered regu-
4 lator, disaggregated by length of time served as
5 an examiner.

6 (B) The status of any examiners of cov-
7 ered regulators, based on voluntary self-identi-
8 fication, as a veteran.

9 (C) Whether any covered regulator, as of
10 the date on which the report required under
11 this subsection is submitted, has adopted a pol-
12 icy, plan, or strategy to promote racial, ethnic,
13 and gender diversity among examiners of the
14 covered regulator.

15 (D) Whether any special training is devel-
16 oped and provided for examiners related specifi-
17 cally to working with banks that serve commu-
18 nities that are predominantly minorities, low in-
19 come, or rural, and the key focus of such train-
20 ing.

21 (2) BEST PRACTICES.—Each Office of Minority
22 and Women Inclusion of a covered regulator shall
23 develop, provide to the head of the covered regulator,
24 and make publicly available best practices—

1 (A) for increasing the diversity of can-
2 didates applying for examiner positions, includ-
3 ing through outreach efforts to recruit diverse
4 candidate to apply for entry-level examiner posi-
5 tions; and

6 (B) for retaining and providing fair consid-
7 eration for promotions within the examiner
8 staff for purposes of achieving diversity among
9 examiners.

10 (3) COVERED REGULATOR DEFINED.—In this
11 subsection, the term “covered regulator” means the
12 Comptroller of the Currency, the Board of Gov-
13 ernors of the Federal Reserve System, the Federal
14 Deposit Insurance Corporation, and the National
15 Credit Union Administration.

16 (i) INVESTMENTS IN MINORITY DEPOSITORY INSTI-
17 TUTIONS AND IMPACT BANKS.—

18 (1) CONTROL FOR CERTAIN INSTITUTIONS.—
19 Section 7(j)(8)(B) of the Federal Deposit Insurance
20 Act (12 U.S.C. 1817(j)(8)(B)) is amended to read
21 as follows:

22 “(B) ‘control’ means the power, directly or indi-
23 rectly—

24 “(i) to direct the management or policies
25 of an insured depository institution; or

1 “(ii)(I) with respect to an insured deposi-
2 tory institution, of a person to vote 25 per cen-
3 tum or more of any class of voting securities of
4 such institution; or

5 “(II) with respect to an insured depository
6 institution that is an impact bank (as des-
7 ignated pursuant to section 5 of the Ensuring
8 Diversity in Community Banking Act of 2020)
9 or a minority depository institution (as defined
10 in section 308(b) of the Financial Institutions
11 Reform, Recovery, and Enforcement Act of
12 1989), of an individual to vote 30 percent of
13 more of any class of voting securities of such an
14 impact bank or a minority depository institu-
15 tion.”.

16 (2) RULEMAKING.—The appropriate Federal
17 banking agency (as defined in section 3 of the Fed-
18 eral Deposit Insurance Act (12 U.S.C. 1813)) shall
19 jointly issue rules for de novo minority depository in-
20 stitutions and de novo impact banks (as designated
21 pursuant to section 5) to allow 3 years to meet the
22 capital requirements otherwise applicable to minority
23 depository institutions and impact banks.

24 (3) REPORT.—Not later than 1 year after the
25 date of the enactment of this Act, the appropriate

1 Federal banking agencies shall jointly submit to
2 Congress a report on—

3 (A) the principal causes for the low num-
4 ber of de novo minority depository institutions
5 during the 10-year period preceding the date of
6 the report;

7 (B) the main challenges to the creation of
8 de novo minority depository institutions and de
9 novo impact banks; and

10 (C) regulatory and legislative consider-
11 ations to promote the establishment of de novo
12 minority depository institutions and de novo im-
13 pact banks.

14 (j) REQUIREMENT TO MENTOR MINORITY DEPOSI-
15 TORY INSTITUTIONS OR COMMUNITY DEVELOPMENT FI-
16 NANCIAL INSTITUTIONS TO SERVE AS A DEPOSITORY OR
17 FINANCIAL AGENT.—

18 (1) IN GENERAL.—Before a large financial in-
19 stitution may be employed as a financial agent of
20 the Department of the Treasury or perform any rea-
21 sonable duties as depository of public moneys of the
22 Department of the Treasury, the large financial in-
23 stitution shall demonstrate participation as a mentor
24 in a covered mentor-protege program to a protege

1 firm that is a minority depository institution or a
2 community development financial institution.

3 (2) REPORT.—Not later than 6 months after
4 the date of the enactment of this Act and annually
5 thereafter, the Secretary of the Treasury shall sub-
6 mit to Congress a report on participants in a cov-
7 ered mentor-protege program, including an analysis
8 of outcomes of such program.

9 (3) PROCEDURES.—The Secretary of the Treas-
10 ury shall publish procedures for compliance with the
11 requirements of this subsection for large financial
12 institutions.

13 (4) DEFINITIONS.—In this subsection:

14 (A) COVERED MENTOR-PROTEGE PRO-
15 GRAM.—The term “covered mentor-protege pro-
16 gram” means a mentor-protege program estab-
17 lished by the Secretary of the Treasury pursu-
18 ant to section 45 of the Small Business Act (15
19 U.S.C. 657r).

20 (B) LARGE FINANCIAL INSTITUTION.—The
21 term “large financial institution” means any
22 entity—

23 (i) regulated by the Comptroller of the
24 Currency, the Board of Governors of the
25 Federal Reserve System, the Federal De-

1 posit Insurance Corporation, or the Na-
2 tional Credit Union Administration; and

3 (ii) that has total consolidated assets
4 greater than or equal to \$50,000,000,000.

5 (k) CUSTODIAL DEPOSIT PROGRAM FOR COVERED
6 MINORITY DEPOSITORY INSTITUTIONS AND IMPACT
7 BANKS.—

8 (1) ESTABLISHMENT.—The Secretary of the
9 Treasury shall establish a custodial deposit program
10 (in this subsection referred to as the “Program”)
11 under which a covered bank shall receive monthly
12 deposits from a qualifying account.

13 (2) APPLICATION.—A covered bank shall sub-
14 mit to the Secretary an application to participate in
15 the Program at such time, in such manner, and con-
16 taining such information as the Secretary may deter-
17 mine.

18 (3) PROGRAM OPERATIONS.—

19 (A) DESIGNATION OF CUSTODIAL ENTI-
20 TIES.—The Secretary shall designate eligible
21 custodial entities to make monthly deposits with
22 covered banks selected for participation in the
23 Program on behalf of a qualifying account.

24 (B) CUSTODIAL ACCOUNTS.—

1 (i) IN GENERAL.—The Secretary shall
2 establish a custodial deposit account for
3 each qualifying account with the eligible
4 custodial entity designated to make depos-
5 its with covered banks for each such quali-
6 fying account.

7 (ii) AMOUNT.—The Secretary shall
8 deposit a total amount not greater than 5
9 percent of a qualifying account into any
10 custodial deposit accounts established
11 under subparagraph (A).

12 (iii) DEPOSITS WITH PROGRAM PAR-
13 TICIPANTS.—

14 (I) MONTHLY DEPOSITS.—Each
15 month, each eligible custodial entity
16 designated by the Secretary shall de-
17 posit an amount not greater than the
18 insured amount, in the aggregate,
19 from each custodial deposit account,
20 in a single covered bank.

21 (II) LIMITATION.—With respect
22 to the funds of an individual quali-
23 fying account, the eligible custodial
24 entity may not deposit an amount

1 greater than the insured amount in a
2 single covered bank.

3 (III) INSURED AMOUNT DE-
4 FINED.—In this clause, the term “in-
5 sured amount” means the amount
6 that is the greater of—

7 (aa) the standard maximum
8 deposit insurance amount (as de-
9 fined in section 11(a)(1)(E) of
10 the Federal Deposit Insurance
11 Act (12 U.S.C. 1821(a)(1)(E)));
12 or

13 (bb) such higher amount ne-
14 gotiated between the Secretary
15 and the Corporation under which
16 the Corporation will insure all de-
17 posits of such higher amount.

18 (iv) LIMITATIONS.—The total amount
19 of funds deposited under the Program in a
20 covered bank may not exceed the lesser
21 of—

22 (I) 10 percent of the average
23 amount of deposits held by such cov-
24 ered bank in the previous quarter; or

25 (II) \$100,000,000.

1 (C) INTEREST.—

2 (i) IN GENERAL.—Each eligible custo-
3 dial entity designated by the Secretary
4 shall—

5 (I) collect interest from each cov-
6 ered bank in which such custodial en-
7 tity deposits funds pursuant to sub-
8 paragraph (B); and

9 (II) disburse such interest to the
10 Secretary each month.

11 (ii) INTEREST RATE.—The rate of any
12 interest collected under this subparagraph
13 may not exceed 50 percent of the discount
14 window primary credit interest rate most
15 recently published on the Federal Reserve
16 Statistical Release on selected interest
17 rates (daily or weekly), commonly referred
18 to as the H.15 release (commonly known
19 as the “Federal funds rate”).

20 (D) STATEMENTS.—Each eligible custodial
21 entity designated by the Secretary shall submit
22 to the Secretary monthly statements that in-
23 clude the total amount of funds deposited with,
24 and interest rate received from, each covered

1 bank by the eligible custodial entity on behalf of
2 qualifying entities.

3 (E) RECORDS.—The Secretary shall issue
4 a quarterly report to Congress and make pub-
5 licly available a record identifying all covered
6 banks participating in the Program and
7 amounts deposited under the Program in cov-
8 ered banks.

9 (4) REQUIREMENTS RELATING TO DEPOSITS.—
10 Deposits made with covered banks under this sub-
11 section may not—

12 (A) be considered by the Corporation to be
13 funds obtained, directly or indirectly, by or
14 through any deposit broker for deposit into 1 or
15 more deposit accounts (as described under sec-
16 tion 29 of the Federal Deposit Insurance Act
17 (12 U.S.C. 1831f)); or

18 (B) be subject to insurance fees from the
19 Corporation that are greater than insurance
20 fees for typical demand deposits not obtained,
21 directly or indirectly, by or through any deposit
22 broker (commonly known as “core deposits”).

23 (5) MODIFICATIONS.—

24 (A) IN GENERAL.—The Secretary shall
25 provide a 3-month period for public notice and

1 comment before making any material change to
2 the operation of the Program.

3 (B) EXCEPTION.—The requirements of
4 subparagraph (A) shall not apply if the Sec-
5 retary makes a material change to the Program
6 to comply with safety and soundness standards
7 or other law.

8 (6) TERMINATION.—

9 (A) BY COVERED BANK.—A covered bank
10 selected for participation in the Program pursu-
11 ant to paragraph (3) may terminate participa-
12 tion in the Program by providing the Secretary
13 a notification 60 days prior to termination.

14 (B) BY SECRETARY.—The Secretary may
15 terminate the participation of a covered bank in
16 the Program if the Secretary determines the
17 covered bank—

18 (i) violated any terms of participation
19 in the Program;

20 (ii) failed to comply with Federal
21 bank secrecy laws, as documented in writ-
22 ing by the primary regulator of the covered
23 bank;

24 (iii) failed to remain well capitalized;
25 or

1 (iv) failed comply with safety and
2 soundness standards, as documented in
3 writing by the primary regulator of the
4 covered bank.

5 (7) DEFINITIONS.—In this subsection:

6 (A) CORPORATION.—The term “Corpora-
7 tion” means the Federal Deposit Insurance
8 Corporation.

9 (B) COVERED BANK.—The term “covered
10 bank” means—

11 (i) a minority depository institution
12 that is regulated by the Corporation or the
13 National Credit Union Administration that
14 is well capitalized (as defined in section
15 38(b) of the Federal Deposit Insurance
16 Act (12 U.S.C. 1831o(b))); or

17 (ii) a depository institution designated
18 pursuant to section 5 of the Ensuring Di-
19 versity in Community Banking Act of 2020
20 that is well capitalized (as defined in sec-
21 tion 38(b) of the Federal Deposit Insur-
22 ance Act (12 U.S.C. 1831o(b))).

23 (C) ELIGIBLE CUSTODIAL ENTITY.—The
24 term “eligible custodial entity” means—

1 (i) an insured depository institution
2 (as defined in section 3 of the Federal De-
3 posit Insurance Act (12 U.S.C. 1813)),

4 (ii) an insured credit union (as de-
5 fined in section 101 of the Federal Credit
6 Union Act (12 U.S.C. 1752)), or

7 (iii) or a well capitalized State-char-
8 tered trust company,

9 designated by the Secretary under subsection
10 (k)(3)(A).

11 (D) FEDERAL BANK SECRECY LAWS.—The
12 term “Federal bank secrecy laws” means—

13 (i) section 21 of the Federal Deposit
14 Insurance Act (12 U.S.C. 1829b);

15 (ii) section 123 of Public Law 91–
16 508; and

17 (iii) subchapter II of chapter 53 of
18 title 31, United States Code.

19 (E) QUALIFYING ACCOUNT.—The term
20 “qualifying account” means any account estab-
21 lished in the Department of the Treasury
22 that—

23 (i) is controlled by the Secretary; and

1 (ii) is expected to maintain a balance
2 greater than \$200,000,000 for the fol-
3 lowing calendar month.

4 (F) SECRETARY.—The term “Secretary”
5 means the Secretary of the Treasury.

6 (G) WELL CAPITALIZED.—The term “well
7 capitalized” has the meaning given in section
8 38 of the Federal Deposit Insurance Act (12
9 U.S.C. 1831o).

10 (I) STREAMLINED COMMUNITY DEVELOPMENT FI-
11 NANCIAL INSTITUTION APPLICATIONS AND REPORTING.—

12 (1) APPLICATION PROCESSES.—Not later than
13 12 months after the date of the enactment of this
14 Act and with respect to any person having assets
15 under \$3,000,000,000 that submits an application
16 for deposit insurance with the Federal Deposit In-
17 surance Corporation that could also become a com-
18 munity development financial institution, the Fed-
19 eral Deposit Insurance Corporation, in consultation
20 with the Administrator of the Community Develop-
21 ment Financial Institutions Fund, shall—

22 (A) develop systems and procedures to
23 record necessary information to allow the Ad-
24 ministrator to conduct preliminary analysis for

1 such person to also become a community devel-
2 opment financial institution; and

3 (B) develop procedures to streamline the
4 application and annual certification processes
5 and to reduce costs for such person to become,
6 and maintain certification as, a community de-
7 velopment financial institution that serves low-
8 and moderate-income neighborhoods (as defined
9 under the Community Reinvestment Act of
10 1977 (12 U.S.C. 2901 et seq.)).

11 (2) REPORT ON IMPLEMENTATION.—Not later
12 than 18 months after the date of the enactment of
13 this Act, the Federal Deposit Insurance Corporation
14 shall submit to Congress a report describing the sys-
15 tems and procedures required under paragraph (1).

16 (3) ANNUAL REPORT.—

17 (A) IN GENERAL.—Section 17(a)(1) of the
18 Federal Deposit Insurance Act (12 U.S.C.
19 1827(a)(1)) is amended—

20 (i) in subparagraph (E), by striking
21 “and” at the end;

22 (ii) by redesignating subparagraph
23 (F) as subparagraph (G);

24 (iii) by inserting after subparagraph
25 (E) the following new subparagraph:

1 “(F) applicants for deposit insurance that
2 could also become a community development fi-
3 nancial institution (as defined in section 103 of
4 the Riegle Community Development and Regu-
5 latory Improvement Act of 1994), a minority
6 depository institution (as defined in section 308
7 of the Financial Institutions Reform, Recovery,
8 and Enforcement Act of 1989), or an impact
9 bank (as designated pursuant to section 5 of
10 the Ensuring Diversity in Community Banking
11 Act of 2020); and”.

12 (B) APPLICATION.—The amendment made
13 by this paragraph shall apply with respect to
14 the first report to be submitted after the date
15 that is 2 years after the date of the enactment
16 of this Act.

17 (m) TASK FORCE ON LENDING TO SMALL BUSINESS
18 CONCERNS.—

19 (1) IN GENERAL.—Not later than 6 months
20 after the date of the enactment of this Act, the Ad-
21 ministrator of the Small Business Administration
22 shall establish a task force to examine methods for
23 improving relationships between the Small Business
24 Administration and community development finan-
25 cial institutions, minority depository institutions,

1 and impact bank (as designated pursuant to section
2 5 of the Ensuring Diversity in Community Banking
3 Act of 2020) to increase the volume of loans pro-
4 vided by such institutions to small business concerns
5 (as defined under section 3 of the Small Business
6 Act (15 U.S.C. 632)).

7 (2) REPORT TO CONGRESS.—Not later than 18
8 months after the establishment of the task force de-
9 scribed in paragraph (1), the Administrator of the
10 Small Business Administration shall submit to Con-
11 gress a report on the findings of such task force.

12 (n) ASSISTANCE TO MINORITY DEPOSITORY INSTI-
13 TUTIONS AND IMPACT BANKS.—The Secretary of the
14 Treasury shall establish a program to provide assistance
15 to a minority depository institution or an impact bank (as
16 designated pursuant to section 5 of the Ensuring Diversity
17 in Community Banking Act of 2020) to support growth
18 and development of such minority depository institutions
19 and impact banks, including by providing assistance with
20 obtaining or converting a charter, bylaw amendments,
21 field-of-membership expansion requests, and online train-
22 ing and resources.

23 **SEC. 208. LOANS TO MDIS AND CDFIS.**

24 (a) IN GENERAL.—During the COVID–19 emergency
25 period, the Board of Governors of the Federal Reserve

1 System shall provide zero-interest loans to minority depos-
2 itory institutions and community development financial in-
3 stitutions to help mitigate the economic impact of
4 COVID–19 in low-income, underserved communities.

5 (b) ASSET LIMITATION.—Subsection (a) shall only
6 apply to minority depository institutions and community
7 development financial institutions with less than
8 \$1,000,000,000 in assets.

9 (c) INTEREST TO RESUME 18 MONTHS AFTER PAN-
10 DEMIC.—Notwithstanding subsection (a), the Board of
11 Governors shall charge interest on loans made pursuant
12 to subsection (a) after the end of the 18-month period be-
13 ginning at the end of the COVID–19 emergency period,
14 at a rate to be determined by the Board of Governors
15 based on the interest amount charged under the discount
16 window lending programs.

17 (d) COVID–19 PANDEMIC DEFINED.—In this sec-
18 tion, the term “COVID–19 emergency period” means the
19 period that begins upon the date of the enactment of this
20 Act and ends upon the date of the termination by the Fed-
21 eral Emergency Management Administration of the emer-
22 gency declared on March 13, 2020, by the President under
23 the Robert T. Stafford Disaster Relief and Emergency As-
24 sistance Act (42 U.S.C. 4121 et seq.) relating to the
25 Coronavirus Disease 2019 (COVID–19) pandemic.

1 **SEC. 209. INSURANCE OF TRANSACTION ACCOUNTS.**

2 (a) BANKS AND SAVINGS ASSOCIATIONS.—

3 (1) AMENDMENTS.—Section 11(a)(1) of the
4 Federal Deposit Insurance Act (12 U.S.C.
5 1821(a)(1)) is amended—

6 (A) in subparagraph (B)—

7 (i) by striking “The net amount” and
8 inserting the following:

9 “(i) IN GENERAL.—Subject to clause
10 (ii), the net amount”; and

11 (ii) by adding at the end the following
12 new clauses:

13 “(ii) AUTHORIZATION FOR INSURANCE
14 FOR TRANSACTION ACCOUNTS.—Notwith-
15 standing clause (i), the Corporation may
16 fully insure the net amount that any de-
17 positor at an insured depository institution
18 maintains in a transaction account. Such
19 amount shall not be taken into account
20 when computing the net amount due to
21 such depositor under clause (i).

22 “(iii) TRANSACTION ACCOUNT DE-
23 FINED.—For purposes of this subpara-
24 graph, the term ‘transaction account’ has
25 the meaning given that term under section

1 19 of the Federal Reserve Act (12 U.S.C.
2 461).”; and

3 (B) in subparagraph (C), by striking “sub-
4 paragraph (B)” and inserting “subparagraph
5 (B)(i)”.

6 (2) PROSPECTIVE REPEAL.—Effective January
7 1, 2022, section 11(a)(1) of the Federal Deposit In-
8 surance Act (12 U.S.C. 1821(a)(1)), as amended by
9 paragraph (1), is amended—

10 (A) in subparagraph (B)—

11 (i) by striking “DEPOSIT.—” and all
12 that follows through “clause (ii), the net
13 amount” and insert “DEPOSIT.—The net
14 amount”; and

15 (ii) by striking clauses (ii) and (iii);

16 and

17 (B) in subparagraph (C), by striking “sub-
18 paragraph (B)(i)” and inserting “subparagraph
19 (B)”.

20 (b) CREDIT UNIONS.—

21 (1) AMENDMENTS.—Section 207(k)(1) of the
22 Federal Credit Union Act (12 U.S.C. 1787(k)(1)) is
23 amended—

24 (A) in subparagraph (A)—

1 (i) by striking “Subject to the provi-
2 sions of paragraph (2), the net amount”
3 and inserting the following:

4 “(i) NET AMOUNT OF INSURANCE
5 PAYABLE.—Subject to clause (ii) and the
6 provisions of paragraph (2), the net
7 amount”; and

8 (ii) by adding at the end the following
9 new clauses:

10 “(ii) AUTHORIZATION FOR INSURANCE
11 FOR TRANSACTION ACCOUNTS.—Notwith-
12 standing clause (i), the Board may fully in-
13 sure the net amount that any member or
14 depositor at an insured credit union main-
15 tains in a transaction account. Such
16 amount shall not be taken into account
17 when computing the net amount due to
18 such member or depositor under clause (i).

19 “(iii) TRANSACTION ACCOUNT DE-
20 FINED.—For purposes of this subpara-
21 graph, the term ‘transaction account’ has
22 the meaning given that term under section
23 19 of the Federal Reserve Act (12 U.S.C.
24 461).”; and

1 (B) in subparagraph (B), by striking “sub-
2 paragraph (A)” and inserting “subparagraph
3 (A)(i)”.

4 (2) PROSPECTIVE REPEAL.—Effective January
5 1, 2022, section 207(k)(1) of the Federal Credit
6 Union Act (12 U.S.C. 1787(k)(1)), as amended by
7 paragraph (1), is amended—

8 (A) in subparagraph (A)—

9 (i) by striking “(i) NET AMOUNT OF
10 INSURANCE PAYABLE.—” and all that fol-
11 lows through “paragraph (2), the net
12 amount” and inserting “Subject to the
13 provisions of paragraph (2), the net
14 amount”; and

15 (ii) by striking clauses (ii) and (iii);

16 and

17 (B) in subparagraph (B), by striking “sub-
18 paragraph (A)(i)” and inserting “subparagraph
19 (A)”.

20 (c) COVID–19 EMERGENCY DEFINED.—In this sec-
21 tion, the term “COVID–19 emergency” means the period
22 that begins upon the date of the enactment of this Act
23 and ends upon the date of the termination by the Federal
24 Emergency Management Agency of the emergency de-
25 clared on March 13, 2020, by the President under the

1 Robert T. Stafford Disaster Relief and Emergency Assist-
2 ance Act (42 U.S.C. 4121 et seq.) relating to the
3 Coronavirus Disease 2019 (COVID–19) pandemic.

4 **TITLE III—SUPPORTING STATE,**
5 **TERRITORY, AND LOCAL GOV-**
6 **ERNMENTS**

7 **SEC. 301. MUNI FACILITY.**

8 (a) AMENDMENT TO AUTHORITY TO BUY AND SELL
9 BONDS AND NOTES.—Section 14(b) of the Federal Re-
10 serve Act (12 U.S.C. 355) is amended—

11 (1) in paragraph (1)—

12 (A) by inserting “and during unusual and
13 exigent circumstances,” before “bonds issued”;
14 and

15 (B) by striking “of 1933” and all that fol-
16 lows through “assured revenues”; and

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

18 “(3) STATE DEFINED.—In this section, the
19 term ‘State’ means each of the several States, any
20 bi-State agency, the District of Columbia, each terri-
21 tory and possession of the United States, and each
22 federally recognized Indian Tribe.”.

23 (b) FEDERAL RESERVE AUTHORIZATION TO PUR-
24 CHASE COVID–19 RELATED MUNICIPAL ISSUANCES.—

1 (1) **AUTHORITY.**—Within seven days after the
2 date of enactment of this subsection, the Federal
3 Reserve Board of Governors shall establish a facility
4 to buy and sell, at home or abroad, bills, notes,
5 bonds, and warrants that are issued by any State or
6 political subdivision thereof between March 1, 2020,
7 and July 1, 2021, in order to fund a public health
8 or public service response to the COVID–19 pan-
9 demic. The Board of Governors of the Federal Re-
10 serve System may extend the authority under this
11 subsection if the Board determines necessary.

12 (2) **REQUIRED PURCHASES.**—The Board of
13 Governors of the Federal Reserve System shall es-
14 tablish policies and procedures to require the direct
15 placement of bills, notes, bonds, and warrants de-
16 scribed in paragraph (1) with the Board at an inter-
17 est cost that does not exceed the Federal funds rate
18 target for short-term interbank lending, within seven
19 days after the date of enactment of this section.

20 (3) **REVIEW OF SPENDING.**—During the 3-year
21 period beginning on the date on which all purchases
22 under this section are completed, relevant Federal
23 authorities shall review such purchases to determine
24 if funds were diverted from legitimate public health
25 or public services responses to the COVID–19 pan-

1 demic to make such purchase. The relevant Federal
2 authorities shall take appropriate action based on
3 findings of such review.

4 (4) DEFINITIONS.—In this subsection:

5 (A) PUBLIC HEALTH OR PUBLIC SERVICE
6 RESPONSE TO THE COVID–19 PANDEMIC.—The
7 term “public health or public service response
8 to the COVID–19 pandemic” means—

9 (i) the purchase, manufacture, or de-
10 livery of medical equipment, facilities, or
11 services—

12 (I) to treat or quarantine
13 COVID–19 patients;

14 (II) to protect first responders
15 interacting with such patients; or

16 (III) to test for COVID–19 infec-
17 tions and track social contacts of pa-
18 tients who have tested positive for the
19 virus;

20 (ii) the purchase, manufacture, or de-
21 livery of basic living supports for individ-
22 uals who are not COVID–19 patients dur-
23 ing periods of voluntary or mandatory so-
24 cial distancing or quarantine designed to
25 prevent the spread of COVID–19; or

1 (iii) the maintenance and delivery of
2 basic public services to communities re-
3 sponding to the public health or economic
4 effects of the COVID–19 pandemic.

5 (B) STATE.—The term “State” means
6 each of the several States, any bi-State agency,
7 the District of Columbia, each territory and
8 possession of the United States, and each feder-
9 ally recognized Indian Tribe.

10 **SEC. 302. TEMPORARY WAIVER AND REPROGRAMMING AU-**
11 **THORITY.**

12 (a) WAIVER AUTHORITY.—

13 (1) IN GENERAL.—With respect to a covered
14 grant awarded to a State, territory, or local govern-
15 ment by a Federal financial regulator, the Federal
16 financial regulator may, upon request, waive any
17 matching or cost-sharing requirements with respect
18 to such grant until January 1, 2023.

19 (2) REQUIREMENTS FOR WAIVER RECIPI-
20 ENTS.—A State, territory, or local government
21 granted a waiver with respect to a grant under sub-
22 section (a) shall waive any matching or cost-sharing
23 requirements that such government imposes on sub-
24 grantees on such grant until January 1, 2023.

25 (b) REPROGRAMMING AUTHORITY.—

1 (1) IN GENERAL.—With respect to a covered
2 grant awarded to a State, territory, or local govern-
3 ment by a Federal financial regulator, the Federal
4 financial regulator may, upon request, permit the
5 State, territory, or local government to reprogram
6 awarded grant funds for purposes related to unem-
7 ployment, childcare, and healthcare, if the majority
8 of normally funded activities under such grant are
9 not in areas related to unemployment, childcare, and
10 healthcare.

11 (2) CONSIDERATION FOR FUTURE GRANTS.—
12 Any grantee (or sub-grantee) with respect to which
13 a Federal financial regulator allows to reprogram
14 funds under paragraph (1) shall be given priority by
15 such Federal financial regulator for future awards of
16 the type reprogrammed.

17 (c) DEFINITIONS.—In this section:

18 (1) COVERED GRANTS.—The term “covered
19 award” means a grant—

20 (A) that was awarded to a State, territory,
21 or local government before the date of enact-
22 ment of this Act and under which the State,
23 territory, or local government may still receive
24 additional grant amounts; or

1 (B) with respect to which the period of
2 performance does not expire before January 1,
3 2023.

4 (2) FEDERAL FINANCIAL REGULATOR.—The
5 term “Federal financial regulator” means the Board
6 of Governors of the Federal Reserve System, the
7 Bureau of Consumer Financial Protection, the De-
8 partment of Housing and Urban Development, the
9 Department of the Treasury (other than the Inter-
10 nal Revenue Service), the Federal Deposit Insurance
11 Corporation, the Office of the Comptroller of the
12 Currency, the National Credit Union Administra-
13 tion, and the Securities and Exchange Commission.

14 **TITLE IV—PROMOTING FINAN-**
15 **CIAL STABILITY AND TRANS-**
16 **PARENT MARKETS**

17 **SEC. 401. TEMPORARY HALT TO RULEMAKINGS UNRE-**
18 **LATED TO COVID-19.**

19 (a) IN GENERAL.—Until the end of the 30-day period
20 following the end of the COVID-19 emergency period, the
21 Federal financial regulators—

22 (1) may not adopt or amend any rule, regula-
23 tion, guidance, or order unless such rule, regulation,
24 guidance, or order is directly related to responding
25 to the COVID-19 emergency; and

1 (2) shall keep open and extend any ongoing
2 public comment period related to a proposed or final
3 rule, unless such rule is related to responding to the
4 COVID–19 emergency.

5 (b) NOTICE AND SUNSET OF EMERGENCY AC-
6 TIONS.—The Federal financial regulators shall—

7 (1) provide the Committee on Financial Serv-
8 ices of the House of Representatives and the Com-
9 mittee on Banking, Housing, and Urban Affairs of
10 the Senate with a notice of any regulatory actions
11 taken during the COVID–19 emergency period,
12 along with an explanation of how such action was
13 necessary and appropriate in response to the
14 COVID–19 emergency; and

15 (2) limit the period of effectiveness of any ac-
16 tion taken in response to the COVID–19 emergency
17 to be not longer than 12-months following the end
18 of the COVID–19 emergency period.

19 (c) VOTING BY REGULATORS.—Any action taken pur-
20 suant to this section by a Federal financial regulator head-
21 ed by a multi-person entity may only be taken by unani-
22 mous vote.

23 (d) DEFINITIONS.—In this section:

24 (1) COVID–19 EMERGENCY PERIOD.—For pur-
25 poses of this Act, the term “COVID–19 emergency

1 period” means the period that begins upon the date
2 of the enactment of this Act and ends upon the date
3 of the termination by the Federal Emergency Man-
4 agement Agency of the emergency declared on
5 March 13, 2020, by the President under the Robert
6 T. Stafford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 4121 et seq.) relating to the
8 Coronavirus Disease 2019 (COVID–19) pandemic.

9 (2) FEDERAL FINANCIAL REGULATOR.—In this
10 section, the term “Federal financial regulator”
11 means the Board of Governors of the Federal Re-
12 serve System, the Bureau of Consumer Financial
13 Protection, the Department of Housing and Urban
14 Development, the Department of the Treasury
15 (other than the Internal Revenue Service), the Fed-
16 eral Deposit Insurance Corporation, the Federal
17 Housing Finance Agency, the Office of the Comp-
18 troller of the Currency, the National Credit Union
19 Administration, and the Securities and Exchange
20 Commission.

21 **SEC. 402. TEMPORARY BAN ON STOCK BUYBACKS.**

22 (a) IN GENERAL.—It shall be unlawful for any issuer,
23 the securities of which are traded on a national securities
24 exchange, to purchase securities of the issuer during the
25 period beginning on the date of enactment of this section

1 and ending 120 days after the end of the COVID–19
2 emergency period.

3 (b) EARLY TERMINATION.—The Securities and Ex-
4 change Commission may terminate the prohibition under
5 subsection (a) after the end of the COVID–19 emergency
6 period and before the end of the 120-day period described
7 under subsection (a), if—

8 (1) the Commission determines such termi-
9 nation is in the public interest; and

10 (2) immediately notifies the Congress and the
11 public of such determination and the reason for such
12 determination, including on the website of the Com-
13 mission.

14 (c) ENFORCEMENT; RULEMAKING.—

15 (1) IN GENERAL.—The Securities and Ex-
16 change Commission shall have the authority to en-
17 force this Act and may issue such rules as may be
18 necessary to carry out this Act.

19 (2) COMMISSION VOTING.—Any action taken by
20 the Commission pursuant to this section may only be
21 taken upon a unanimous vote of the commissioners.

22 (d) DEFINITIONS.—In this section:

23 (1) COVID–19 EMERGENCY PERIOD.—The
24 term “COVID–19 emergency period” means the pe-
25 riod that begins upon the date of the enactment of

1 this Act and ends upon the date of the termination
2 by the Federal Emergency Management Agency of
3 the emergency declared on March 13, 2020, by the
4 President under the Robert T. Stafford Disaster Re-
5 lief and Emergency Assistance Act (42 U.S.C. 4121
6 et seq.) relating to the Coronavirus Disease 2019
7 (COVID–19) pandemic.

8 (2) OTHER DEFINITIONS.—The terms “issuer”,
9 “national securities exchange”, and “security” have
10 the meaning given those terms, respectively, under
11 section 3 of the Securities Exchange Act of 1934.

12 **SEC. 403. DISCLOSURES RELATED TO SUPPLY CHAIN DIS-**
13 **RUPTION RISK.**

14 Section 13 of the Securities Exchange Act of 1934
15 (15 U.S.C. 78m) is amended by adding at the end the
16 following:

17 “(s) DISCLOSURES RELATED TO SUPPLY CHAIN DIS-
18 RUPTION RISK.—

19 “(1) IN GENERAL.—Each issuer required to file
20 an annual report under subsection (a) shall disclose
21 in that report—

22 “(A) an identification of—

23 “(i) the risks in the issuer’s sourcing
24 of goods, labor, services, and other supply
25 chain related matters, including—

1 “(I) risks of dependency upon
2 sole sourcing arrangements or
3 sourcing concentrated in one geo-
4 graphic locality;

5 “(II) shipping risks; and

6 “(III) risks arising from natural
7 disasters, pandemics, extreme weath-
8 er, armed conflicts, refugee and re-
9 lated disruptions, trade conflicts or
10 disruptions, and labor wage, safety,
11 and health care practices; and

12 “(ii) the impacts any risk or disrup-
13 tion identified in clause (i) would have on
14 the issuer’s workforce, suppliers, and cus-
15 tomers;

16 “(B) the issuer’s business continuity or
17 other contingency plans that will be imple-
18 mented in the case of a supply chain disruption
19 in order to mitigate such risks and impacts;
20 and

21 “(C) all other material information.

22 “(2) UPDATES.—Disclosures required under
23 this subsection shall be updated when there are ma-
24 terial changes.”.

1 **SEC. 404. DISCLOSURES RELATED TO GLOBAL PANDEMIC**
2 **RISK.**

3 (a) IN GENERAL.—Section 13 of the Securities Ex-
4 change Act of 1934 (15 U.S.C. 78m), as amended by sec-
5 tion 403, is further amended by adding at the end the
6 following:

7 “(t) DISCLOSURES RELATED TO GLOBAL PANDEMIC
8 RISK.—

9 “(1) IN GENERAL.—Each issuer required to file
10 current reports under subsection (a) shall, in the
11 event the World Health Organization declares a pan-
12 demic, file a report with the Commission containing
13 a description of—

14 “(A) the risks and exposures to the issuer
15 related to the pandemic, including risks to
16 health and worker safety faced by the issuer’s
17 employees and independent contractors;

18 “(B) the steps the issuer is taking to miti-
19 gate such risks and exposures, including meas-
20 ures to protect the workforce, including infor-
21 mation related to wages, healthcare, and leave;

22 “(C) a preliminary view on the effect the
23 pandemic may have on the issuer’s business,
24 solvency, and workforce; and

25 “(D) all other material information.

1 “(2) UPDATES.—Disclosures required under
2 this subsection shall be updated when there are ma-
3 terial changes.

4 “(3) PUBLIC AVAILABILITY OF REPORTS.—The
5 Commission shall make each report filed to the
6 Commission under paragraph (1) available to the
7 public, including on the website of the Commis-
8 sion.”.

9 (b) APPLICATION.—Section 13(t) of the Securities
10 Exchange Act of 1934, as added by subsection (a), shall
11 apply to a pandemic declared by the World Health Organi-
12 zation that is in existence on the date of enactment of
13 this Act or that is declared after the date of enactment
14 of this Act.

15 **SEC. 405. OVERSIGHT OF FEDERAL AID RELATED TO**
16 **COVID-19.**

17 (a) CONGRESSIONAL COVID-19 AID OVERSIGHT
18 PANEL.—

19 (1) ESTABLISHMENT.—There is hereby estab-
20 lished the Congressional COVID-19 Aid Oversight
21 Panel (hereafter in this subsection referred to as the
22 “Oversight Panel”) as an establishment in the legis-
23 lative branch.

24 (2) DUTIES.—The Oversight Panel shall review
25 the current state of the financial markets and the

1 regulatory system and submit regular reports to
2 Congress on the following:

3 (A) The use of Federal aid provided during
4 the COVID–19 emergency.

5 (B) The impact of Federal aid related to
6 COVID–19 on the financial markets and finan-
7 cial institutions.

8 (3) MEMBERSHIP.—

9 (A) IN GENERAL.—The Oversight Panel
10 shall consist of 5 members, as follows:

11 (i) 1 member appointed by the Speak-
12 er of the House of Representatives.

13 (ii) 1 member appointed by the minor-
14 ity leader of the House of Representatives.

15 (iii) 1 member appointed by the ma-
16 jority leader of the Senate.

17 (iv) 1 member appointed by the mi-
18 nority leader of the Senate.

19 (v) 1 member appointed by the Speak-
20 er of the House of Representatives and the
21 majority leader of the Senate, after con-
22 sultation with the minority leader of the
23 Senate and the minority leader of the
24 House of Representatives.

1 (B) PAY.—Each member of the Oversight
2 Panel shall each be paid at a rate equal to the
3 daily equivalent of the annual rate of basic pay
4 for level I of the Executive Schedule for each
5 day (including travel time) during which such
6 member is engaged in the actual performance of
7 duties vested in the Commission.

8 (C) PROHIBITION OF COMPENSATION OF
9 FEDERAL EMPLOYEES.—Members of the Over-
10 sight Panel who are full-time officers or em-
11 ployees of the United States or Members of
12 Congress may not receive additional pay, allow-
13 ances, or benefits by reason of their service on
14 the Oversight Panel.

15 (D) TRAVEL EXPENSES.—Each member
16 shall receive travel expenses, including per diem
17 in lieu of subsistence, in accordance with appli-
18 cable provisions under subchapter I of chapter
19 57 of title 5, United States Code.

20 (E) QUORUM.—Four members of the Over-
21 sight Panel shall constitute a quorum but a
22 lesser number may hold hearings.

23 (F) VACANCIES.—A vacancy on the Over-
24 sight Panel shall be filled in the manner in
25 which the original appointment was made.

1 (G) MEETINGS.—The Oversight Panel
2 shall meet at the call of the Chairperson or a
3 majority of its members.

4 (4) STAFF.—

5 (A) IN GENERAL.—The Oversight Panel
6 may appoint and fix the pay of any personnel
7 as the Oversight Panel considers appropriate.

8 (B) EXPERTS AND CONSULTANTS.—The
9 Oversight Panel may procure temporary and
10 intermittent services under section 3109(b) of
11 title 5, United States Code.

12 (C) STAFF OF AGENCIES.—Upon request
13 of the Oversight Panel, the head of any Federal
14 department or agency may detail, on a reim-
15 bursable basis, any of the personnel of that de-
16 partment or agency to the Oversight Panel to
17 assist it in carrying out its duties under this
18 section.

19 (5) POWERS.—

20 (A) HEARINGS AND SESSIONS.—The Over-
21 sight Panel may, for the purpose of carrying
22 out this section, hold hearings, sit and act at
23 times and places, take testimony, and receive
24 evidence as the Panel considers appropriate and

1 may administer oaths or affirmations to wit-
2 nesses appearing before it.

3 (B) POWERS OF MEMBERS AND AGENTS.—

4 Any member or agent of the Oversight Panel
5 may, if authorized by the Oversight Panel, take
6 any action which the Oversight Panel is author-
7 ized to take by this section.

8 (C) OBTAINING OFFICIAL DATA.—The

9 Oversight Panel may secure directly from any
10 department or agency of the United States in-
11 formation necessary to enable it to carry out
12 this section. Upon request of the Chairperson of
13 the Oversight Panel, the head of that depart-
14 ment or agency shall furnish that information
15 to the Oversight Panel.

16 (D) REPORTS.—The Oversight Panel shall

17 receive and consider all reports required to be
18 submitted to the Oversight Panel under this
19 section.

20 (6) AUTHORIZATION OF APPROPRIATIONS.—

21 There is authorized to be appropriated to the Over-
22 sight Panel such sums as may be necessary for any
23 fiscal year, half of which shall be derived from the
24 applicable account of the House of Representatives,

1 and half of which shall be derived from the contin-
2 gent fund of the Senate.

3 (7) SUNSET.—The Oversight Panel established
4 by this subsection shall terminate on the date that
5 is two years following the termination by the Federal
6 Emergency Management Agency of the emergency
7 declared on March 13, 2020, by the President under
8 the Robert T. Stafford Disaster Relief and Emer-
9 gency Act (42 U.S.C. 4121 et seq.) relating to the
10 Coronavirus Disease 2019 (COVID–19) pandemic.

11 (8) DEFINITIONS.—In this subsection:

12 (A) COVID–19 EMERGENCY.—The term
13 “COVID–19 emergency” means the period that
14 begins upon the date of the enactment of this
15 Act and ends one year after the termination by
16 the Federal Emergency Management Agency of
17 the emergency declared on March 13, 2020, by
18 the President under the Robert T. Stafford Dis-
19 aster Relief and Emergency Act (42 U.S.C.
20 4121 et seq.) relating to the Coronavirus Dis-
21 ease 2019 (COVID–19) pandemic.

22 (B) FEDERAL AID.—The term “Federal
23 aid” means any emergency lending provided
24 under section 13(3) of the Federal Reserve Act

1 or any Federal financial support in the form of
2 a grant, loan, or loan guarantee.

3 (b) SPECIAL INSPECTOR GENERAL AUTHORITY OVER
4 FEDERAL AID RELATED TO COVID–19.—Section 121 of
5 the Emergency Economic Stabilization Act of 2008 (12
6 U.S.C. 5231) is amended—

7 (1) in subsection (k)—

8 (A) in paragraph (1), by striking “or” at
9 the end;

10 (B) in paragraph (2), by striking the pe-
11 riod at the end and inserting “; or”; and

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

13 “(3) the date on which all Federal aid related
14 to the COVID–19 emergency is repaid.”; and

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

16 “(1) RESPONSIBILITY WITH RESPECT TO FEDERAL
17 AID RELATED TO COVID–19.—

18 “(1) IN GENERAL.—The Special Inspector Gen-
19 eral shall have the same authority and responsibil-
20 ities with respect to Federal aid provided during the
21 COVID–19 emergency as the Special Inspector Gen-
22 eral has with respect to financial assistance (includ-
23 ing the purchase of troubled assets) provided under
24 this title.

25 “(2) DEFINITIONS.—In this section:

1 “(A) COVID–19 EMERGENCY.—The term
2 ‘COVID–19 emergency’ means the period that
3 begins upon the date of the enactment of this
4 Act and ends one year after the termination by
5 the Federal Emergency Management Agency of
6 the emergency declared on March 13, 2020, by
7 the President under the Robert T. Stafford Dis-
8 aster Relief and Emergency Act (42 U.S.C.
9 4121 et seq.) relating to the Coronavirus Dis-
10 ease 2019 (COVID–19) pandemic.

11 “(B) FEDERAL AID.—The term ‘Federal
12 aid’ means any emergency lending provided
13 under section 13(3) of the Federal Reserve Act
14 or any Federal financial support in the form of
15 a grant, loan, or loan guarantee.”.

16 **SEC. 406. INTERNATIONAL FINANCIAL INSTITUTIONS.**

17 (a) UNITED STATES PARTICIPATION IN, AND CON-
18 TRIBUTIONS TO, THE NINETEENTH REPLENISHMENT OF
19 THE RESOURCES OF THE INTERNATIONAL DEVELOPMENT
20 ASSOCIATION.— The International Development Associa-
21 tion Act (22 U.S.C. 284 et seq.) is amended by adding
22 at the end the following:

23 **“SEC. 31. NINETEENTH REPLENISHMENT.**

24 “(a) The United States Governor of the International
25 Development Association is authorized to contribute on

1 behalf of the United States \$3,004,200,000 to the nine-
2 tenth replenishment of the resources of the Association,
3 subject to obtaining the necessary appropriations.

4 “(b) In order to pay for the United States contribu-
5 tion provided for in subsection (a), there are authorized
6 to be appropriated, without fiscal year limitation,
7 \$3,004,200,000 for payment by the Secretary of the
8 Treasury.”.

9 (b) UNITED STATES PARTICIPATION IN, AND CON-
10 TRIBUTIONS TO, THE FIFTEENTH REPLENISHMENT OF
11 THE RESOURCES OF THE AFRICAN DEVELOPMENT
12 FUND.—The African Development Fund Act (22 U.S.C.
13 290g et seq.) is amended by adding at the end the fol-
14 lowing:

15 **“SEC. 226. FIFTEENTH REPLENISHMENT.**

16 “(a) The United States Governor of the Fund is au-
17 thorized to contribute on behalf of the United States
18 \$513,900,000 to the fifteenth replenishment of the re-
19 sources of the Fund, subject to obtaining the necessary
20 appropriations.

21 “(b) In order to pay for the United States contribu-
22 tion provided for in subsection (a), there are authorized
23 to be appropriated, without fiscal year limitation,
24 \$513,900,000 for payment by the Secretary of the Treas-
25 ury.”.

1 (c) UNITED STATES PARTICIPATION IN, AND CON-
2 TRIBUTIONS TO, THE SEVENTH CAPITAL INCREASE FOR
3 THE AFRICAN DEVELOPMENT BANK.— The African De-
4 velopment Bank Act (22 U.S.C. 290i et seq.) is amended
5 by adding at the end the following:

6 **“SEC. 1345. SEVENTH CAPITAL INCREASE.**

7 “(a) SUBSCRIPTION AUTHORIZED.—

8 “(1) The United States Governor of the Bank
9 may subscribe on behalf of the United States to
10 532,023 additional shares of the capital stock of the
11 Bank.

12 “(2) Any subscription by the United States to
13 the capital stock of the Bank shall be effective only
14 to such extent and in such amounts as are provided
15 in advance in appropriations Acts.

16 “(b) LIMITATIONS ON AUTHORIZATION OF APPRO-
17 PRIATIONS.—

18 “(1) In order to pay for the increase in the
19 United States subscription to the Bank under sub-
20 section (a), there are authorized to be appropriated,
21 without fiscal year limitation, \$7,286,587,008 for
22 payment by the Secretary of the Treasury.

23 “(2) Of the amount authorized to be appro-
24 priated under paragraph (1)—

1 “(A) \$437,190,016 shall be for paid in
2 shares of the Bank; and

3 “(B) \$6,849,396,992 shall be for callable
4 shares of the Bank.”.

5 **SEC. 407. CONDITIONS ON FEDERAL AID TO CORPORA-**
6 **TIONS.**

7 (a) **REQUIREMENTS ON ALL CORPORATIONS UNTIL**
8 **FEDERAL AID RELATED TO COVID-19 IS REPAID.**—Any
9 corporation that receives Federal aid related to COVID-
10 19 shall, until the date on which all such Federal aid is
11 repaid by the corporation to the Federal Government,
12 comply with the following:

13 (1) **RESTRICTIONS ON EXECUTIVE BONUSES.**—

14 The corporation may not pay a bonus to any execu-
15 tive of the corporation.

16 (2) **BAN ON EXECUTIVE GOLDEN PARA-**

17 **CHUTES.**—The corporation may not pay any type of
18 compensation (whether present, deferred, or contin-
19 gent) to an executive of the corporation, if such com-
20 pensation is in connection with the termination of
21 employment of the executive.

22 (3) **BAN ON STOCK BUYBACKS.**—The corpora-
23 tion may not purchase securities of the corporation.

24 (4) **BAN ON DIVIDENDS.**—The corporation may
25 not pay dividends on securities of the corporation.

1 (5) BAN ON FEDERAL LOBBYING.—The cor-
2 poration may not carry out any Federal lobbying ac-
3 tivities.

4 (b) PERMANENT REQUIREMENTS ON ACCELERATED
5 FILERS RECEIVING FEDERAL AID RELATED TO COVID-
6 19.—

7 (1) IN GENERAL.—An accelerated filer that re-
8 ceives Federal aid related to COVID-19 shall per-
9 manently comply with the following:

10 (A) WORKER BOARD REPRESENTATION.—

11 (i) IN GENERAL.—At least $\frac{1}{3}$ of the
12 members of the accelerated filer’s directors
13 are chosen by the employees of the acceler-
14 ated filer in a one-employee-one-vote elec-
15 tion process.

16 (ii) COMPLIANCE DATE.—An acceler-
17 ated filer shall comply with the require-
18 ments under clause (i) not later than the
19 end of the 2-year period beginning on the
20 date of enactment of this Act.

21 (iii) DEFINITIONS.—In this subpara-
22 graph—

23 (I) the term “director” has the
24 meaning given the term in section 3

1 of the Securities Exchange Act of
2 1934 (15 U.S.C. 78c); and

3 (II) the term “employee” has the
4 meaning given the term in section 2
5 of the National Labor Relations Act
6 (29 U.S.C. 152).

7 (B) ADDITIONAL DISCLOSURES.—If the se-
8 curities of the corporation are traded on a na-
9 tional securities exchange, the corporation shall
10 issue the following disclosures to the Securities
11 and Exchange Commission on a quarterly basis
12 (and make such disclosures available to share-
13 holders of the corporation and the public):

14 (i) The political spending disclosures
15 required under paragraph (2).

16 (ii) The human capital management
17 disclosures required under paragraph (3).

18 (iii) The environmental, social, and
19 governance disclosures required under
20 paragraph (4).

21 (iv) The Federal aid disclosures re-
22 quired under paragraph (5).

23 (v) The disclosures of financial per-
24 formance on a country-by-country basis re-
25 quired under paragraph (6).

1 (2) POLITICAL SPENDING DISCLOSURES.—

2 (A) IN GENERAL.—With respect to an ac-
3 celerated filer, the disclosures required under
4 this paragraph are—

5 (i) a description of any expenditure
6 for political activities made during the pre-
7 ceding quarter;

8 (ii) the date of each expenditure for
9 political activities;

10 (iii) the amount of each expenditure
11 for political activities;

12 (iv) if the expenditure for political ac-
13 tivities was made in support of or opposed
14 to a candidate, the name of the candidate
15 and the office sought by, and the political
16 party affiliation of, the candidate;

17 (v) the name or identity of trade asso-
18 ciations or organizations described in sec-
19 tion 501(c) of the Internal Revenue Code
20 of 1986 and exempt from tax under sec-
21 tion 501(a) of such Code which receive
22 dues or other payments as described in
23 paragraph (1)(A)(i)(III);

24 (vi) a summary of each expenditure
25 for political activities made during the pre-

1 ceding year in excess of \$10,000, and each
2 expenditure for political activities for a
3 particular election if the total amount of
4 such expenditures for that election is in ex-
5 cess of \$10,000;

6 (vii) a description of the specific na-
7 ture of any expenditure for political activi-
8 ties the corporation intends to make for
9 the forthcoming fiscal year, to the extent
10 the specific nature is known to the cor-
11 poration; and

12 (viii) the total amount of expenditures
13 for political activities intended to be made
14 by the corporation for the forthcoming fis-
15 cal year.

16 (B) DEFINITIONS.—In this paragraph:

17 (i) EXPENDITURE FOR POLITICAL AC-
18 TIVITIES.—The term “expenditure for po-
19 litical activities”—

20 (I) means—

21 (aa) an independent expend-
22 iture (as defined in section
23 301(17) of the Federal Election
24 Campaign Act of 1971 (52
25 U.S.C. 30101(17)));

1 (bb) an electioneering com-
2 munication (as defined in section
3 304(f)(3) of that Act (52 U.S.C.
4 30104(f)(3))) and any other pub-
5 lic communication (as defined in
6 section 301(22) of that Act (52
7 U.S.C. 30101(22))) that would
8 be an electioneering communica-
9 tion if it were a broadcast, cable,
10 or satellite communication; or

11 (cc) dues or other payments
12 to trade associations or organiza-
13 tions described in section 501(c)
14 of the Internal Revenue Code of
15 1986 and exempt from tax under
16 section 501(a) of that Code that
17 are, or could reasonably be an-
18 ticipated to be, used or trans-
19 ferred to another association or
20 organization for the purposes de-
21 scribed in item (aa) or (bb); and
22 (II) does not include—

23 (aa) direct lobbying efforts
24 through registered lobbyists em-

1 employed or hired by the corpora-
2 tion;

3 (bb) communications by a
4 corporation to its shareholders
5 and executive or administrative
6 personnel and their families; or

7 (cc) the establishment and
8 administration of contributions to
9 a separate segregated fund to be
10 utilized for political purposes by
11 a corporation.

12 (ii) EXCEPTION.—The term “corpora-
13 tion” does not include an investment com-
14 pany registered under section 8 of the In-
15 vestment Company Act of 1940 (15 U.S.C.
16 80a–8).

17 (3) HUMAN CAPITAL MANAGEMENT DISCLO-
18 SURES.—With respect to an accelerated filer, the
19 disclosures required under this paragraph are the
20 following:

21 (A) Workforce demographic information,
22 including the number of full-time employees,
23 the number of part-time employees, the number
24 of contingent workers (including temporary and
25 contract workers), and any policies or practices

1 relating to subcontracting, outsourcing, and
2 insourcing.

3 (B) Workforce stability information, in-
4 cluding information about the voluntary turn-
5 over or retention rate, the involuntary turnover
6 rate, the internal hiring rate, and the internal
7 promotion rate.

8 (C) Workforce composition, including data
9 on diversity (including racial and gender com-
10 position) and any policies and audits related to
11 diversity.

12 (D) Workforce skills and capabilities, in-
13 cluding information about training of employees
14 (including the average number of hours of
15 training and spending on training per employee
16 per year), skills gaps, and alignment of skills
17 and capabilities with business strategy.

18 (E) Workforce culture and empowerment,
19 including information about—

20 (i) policies and practices of the cor-
21 poration relating to freedom of association
22 and work-life balance initiatives;

23 (ii) any incidents of verified workplace
24 harassment in the previous 5 fiscal years
25 of the corporation;

1 (iii) policies and practices of the cor-
2 poration relating to employee engagement
3 and psychological wellbeing, including
4 management discussion regarding—

5 (I) the creation of an autono-
6 mous work environment;

7 (II) fostering a sense of purpose
8 in the workforce;

9 (III) trust in management; and

10 (IV) a supportive, fair, and con-
11 structive workplace.

12 (F) Workforce health and safety, including
13 information about—

14 (i) the frequency, severity, and lost
15 time due to injuries, illness, and fatalities;

16 (ii) the total dollar value of assessed
17 fines under the Occupational Safety and
18 Health Act of 1970;

19 (iii) the total number of actions
20 brought under section 13 of the Occupa-
21 tional Safety and Health Act of 1970 to
22 prevent imminent dangers; and

23 (iv) the total number of actions
24 brought against the corporation under sec-

1 tion 11(c) of the Occupational Safety and
2 Health Act of 1970.

3 (G) Workforce compensation and incen-
4 tives, including information about—

5 (i) total workforce compensation, in-
6 cluding disaggregated information about
7 compensation for full-time, part-time, and
8 contingent workers;

9 (ii) policies and practices about how
10 performance, productivity, and sustain-
11 ability are considered when setting pay and
12 making promotion decisions; and

13 (iii) policies and practices relating to
14 any incentives and bonuses provided to em-
15 ployees below the named executive level
16 and any policies or practices designed to
17 counter any risks create by such incentives
18 and bonuses.

19 (H) Workforce recruiting, including infor-
20 mation about the quality of hire, new hire en-
21 gagement rate, and new hire retention rate.

22 (4) ENVIRONMENTAL, SOCIAL AND GOVERN-
23 ANCE DISCLOSURES.—With respect to an accelerated
24 filer, the disclosures required under this paragraph
25 are disclosures that satisfy the recommendations of

1 the Task Force on Climate-related Financial Disclo-
2 sures of the Financial Stability Board as reported in
3 June, 2017.

4 (5) FEDERAL AID DISCLOSURES.—With respect
5 to an accelerated filer, the disclosure required under
6 this paragraph is a description of how the Federal
7 aid related to COVID–19 received by the corporation
8 is being used to support the corporation’s employees.

9 (6) DISCLOSURES OF FINANCIAL PERFORMANCE
10 ON A COUNTRY-BY-COUNTRY BASIS.—

11 (A) IN GENERAL.—With respect to an ac-
12 celerated filer, the disclosures required under
13 this paragraph are the following:

14 (i) CONSTITUENT ENTITY INFORMA-
15 TION.—Information on any constituent en-
16 tity of the corporation, including the fol-
17 lowing:

18 (I) The complete legal name of
19 the constituent entity.

20 (II) The tax jurisdiction, if any,
21 in which the constituent entity is resi-
22 dent for tax purposes.

23 (III) The tax jurisdiction in
24 which the constituent entity is orga-

1 nized or incorporated (if different
2 from the tax jurisdiction of residence).

3 (IV) The tax identification num-
4 ber, if any, used for the constituent
5 entity by the tax administration of the
6 constituent entity's tax jurisdiction of
7 residence.

8 (V) The main business activity or
9 activities of the constituent entity.

10 (ii) TAX JURISDICTION.—Information
11 on each tax jurisdiction in which one or
12 more constituent entities is resident, pre-
13 sented as an aggregated or consolidated
14 form of the information for the constituent
15 entities resident in each tax jurisdiction,
16 including the following:

17 (I) Revenues generated from
18 transactions with other constituent
19 entities.

20 (II) Revenues not generated from
21 transactions with other constituent
22 entities.

23 (III) Profit or loss before income
24 tax.

1 (IV) Total income tax paid on a
2 cash basis to all tax jurisdictions.

3 (V) Total accrued tax expense re-
4 corded on taxable profits or losses.

5 (VI) Stated capital.

6 (VII) Total accumulated earn-
7 ings.

8 (VIII) Total number of employ-
9 ees on a full-time equivalent basis.

10 (IX) Net book value of tangible
11 assets, which, for purposes of this sec-
12 tion, does not include cash or cash
13 equivalents, intangibles, or financial
14 assets.

15 (iii) SPECIAL RULES.—The informa-
16 tion listed in clause (ii) shall be provided,
17 in aggregated or consolidated form, for any
18 constituent entity or entities that have no
19 tax jurisdiction of residence. In addition, if
20 a constituent entity is an owner of a con-
21 stituent entity that does not have a juris-
22 diction of tax residence, then the owner's
23 share of such entity's revenues and profits
24 will be aggregated or consolidated with the

1 information for the owner’s tax jurisdiction
2 of residence.

3 (B) DEFINITIONS.—In this paragraph—

4 (i) the term “constituent entity”
5 means, with respect to an accelerated filer,
6 any separate business entity of the acceler-
7 ated filer;

8 (ii) the term “tax jurisdiction”—

9 (I) means a country or a jurisdic-
10 tion that is not a country but that has
11 fiscal autonomy; and

12 (II) includes a territory or pos-
13 session of the United States that has
14 fiscal autonomy.

15 (c) PERMANENT REQUIREMENTS ON ALL CORPORA-
16 TIONS RECEIVING FEDERAL AID RELATED TO COVID-
17 19.—Any corporation that receives Federal aid related to
18 COVID-19 shall permanently comply with the following:

19 (1) PAID LEAVE FOR WORKERS.—The corpora-
20 tion shall provide at least 14 days of paid leave to
21 workers (employees and contractors, full-time and
22 part-time) who—

23 (A) are unable to telework;

24 (B) need to be isolated or quarantined to
25 prevent the spread of COVID-19; or

1 (C) need time off to care for the needs of
2 family members.

3 (2) MINIMUM WAGE.—The corporation shall
4 pay each employee (full-time and part-time) of the
5 corporation a wage of not less than \$15 an hour, be-
6 ginning not later than January 1, 2021.

7 (3) LIMITATION ON CEO AND EXECUTIVE
8 PAY.—The corporation may not have a CEO to me-
9 dian worker pay ratio of greater than 50 to 1 and
10 no officer or employee of the corporation may re-
11 ceived higher compensation than the chief executive
12 officer (or any equivalent position).

13 (d) REQUIREMENTS ON ALL CORPORATIONS RECEIV-
14 ING FEDERAL AID RELATED TO COVID–19 UNTIL THE
15 END OF THE EMERGENCY.—Any corporation that receives
16 Federal aid related to COVID–19 shall, until the COVID–
17 19 emergency ends, comply with the following:

18 (1) WORKFORCE LEVELS AND BENEFITS.—The
19 corporation shall maintain at least the same work-
20 force levels and benefits that existed before the
21 COVID–19 emergency.

22 (2) MAINTENANCE OF WORKER PAY.—The cor-
23 poration shall maintain worker (employee or con-
24 tractor, full-time and part-time) pay throughout the
25 entire duration of the COVID–19 emergency at or

1 above the pay level the worker was earning before
2 the emergency.

3 (3) MAINTENANCE OF COLLECTIVE BARGAINING
4 AGREEMENTS.—The corporation may not alter any
5 collective bargaining agreement that was in place at
6 the beginning of the COVID–19 emergency.

7 (e) ENFORCEMENT; RULEMAKING.—The Securities
8 and Exchange Commission and the Secretary of the
9 Treasury shall have the authority to enforce this section
10 and may issue such rules as may be necessary to carry
11 out this section.

12 (f) DEFINITIONS.—In this section:

13 (1) ACCELERATED FILER.—The Securities and
14 Exchange Commission shall define the term “accel-
15 erated filer” for purposes of this section.

16 (2) CEO TO MEDIAN WORKER PAY RATIO.—
17 With respect to an accelerated filer, the term “CEO
18 to median worker pay ratio” means the ratio of—

19 (A) the annual total compensation of the
20 chief executive officer (or any equivalent posi-
21 tion) of the corporation; and

22 (B) the median of the annual total com-
23 pensation of all employees of the corporation,
24 except the chief executive officer (or any equiva-
25 lent position) of the corporation.

1 (3) COVID-19 EMERGENCY.—The term
2 “COVID-19 emergency” means the period that be-
3 gins upon the date of the enactment of this Act and
4 ends upon the termination by the Federal Emer-
5 gency Management Agency of the emergency de-
6 clared on March 13, 2020, by the President under
7 the Robert T. Stafford Disaster Relief and Emer-
8 gency Act (42 U.S.C. 4121 et seq.) relating to the
9 Coronavirus Disease 2019 (COVID-19).

10 (4) FEDERAL AID.—The term “Federal aid”
11 means any emergency lending provided under section
12 13(3) of the Federal Reserve Act or any Federal fi-
13 nancial support in the form of a grant, loan, or loan
14 guarantee.

15 (5) S CORPORATION.—The term “S corpora-
16 tion” has the meaning given that term under section
17 1361(a) of the Internal Revenue Code of 1986.

18 (6) SECURITIES TERMS.—The terms “national
19 securities exchange” and “security” have the mean-
20 ing given those terms, respectively, under section 3
21 of the Securities Exchange Act of 1934.

22 **SEC. 408. AUTHORITY FOR WARRANTS AND DEBT INSTRU-**
23 **MENTS.**

24 (a) DEFINITIONS.—In this section:

1 (1) ASSET.—The term “asset” means any fi-
2 nancial instrument that the Secretary, after con-
3 sultation with the Chairman of the Board of Gov-
4 ernors of the Federal Reserve System, determines
5 the purchase of which or the guarantee of which is
6 necessary to promote economic stability.

7 (2) COMPANY.—The term “company” means
8 any entity that is not subject to the prohibitions in
9 subsection (e).

10 (3) SECRETARY.—The term “Secretary” means
11 the Secretary of the Treasury.

12 (b) WARRANT OR SENIOR DEBT INSTRUMENT.—The
13 Secretary may not purchase, or make any commitment to
14 purchase, or guarantee, or make any commitment to guar-
15 antee, any asset in response to the coronavirus disease
16 (COVID–19) outbreak, unless the Secretary receives from
17 the company from which such assets are to be purchased
18 or are to be guaranteed—

19 (1) in the case of a company, the securities of
20 which are traded on a national securities exchange,
21 a warrant giving the right to the Secretary to receive
22 senior preferred voting stock; or

23 (2) in the case of any company other than one
24 described in paragraph (1), a warrant for senior pre-

1 ferred voting stock, or a senior debt instrument from
2 such company.

3 (c) TERMS AND CONDITIONS.—The terms and condi-
4 tions of any warrant or senior debt instrument required
5 under subsection (b) shall meet the following require-
6 ments:

7 (1) PURPOSES.—Such terms and conditions
8 shall, at a minimum, be designed—

9 (A) to provide for reasonable participation
10 by the Secretary, for the benefit of taxpayers,
11 in equity appreciation in the case of a warrant
12 or other equity security, or a reasonable interest
13 rate premium, in the case of a debt instrument;
14 and

15 (B) to provide additional protection for the
16 taxpayer against losses from sale of assets by
17 the Secretary and any associated administrative
18 expenses.

19 (2) TERMS OF SENIOR PREFERRED VOTING
20 STOCK.—With respect to senior preferred voting
21 stock received from a company, the Secretary
22 shall—

23 (A) have the right to vote on matters
24 brought before the stockholders generally; and

1 (B) control a percentage of votes equal to
2 the percentage of the total value of the com-
3 pany the government's share will represent
4 after the investment.

5 (3) AUTHORITY TO SELL, EXERCISE, OR SUR-
6 RENDER.—

7 (A) IN GENERAL.—For the primary benefit
8 of taxpayers, the Secretary may sell, exercise,
9 or surrender a warrant or any senior debt in-
10 strument received under this section, based on
11 the conditions established under paragraph (1).

12 (B) PROCEEDS.—Of any proceeds received
13 through the sale, exercise, or surrender of any
14 warrant or any senior debt instrument—

15 (i) 65 percent shall be transferred or
16 credited to the Housing Trust Fund estab-
17 lished under section 1338 of the Federal
18 Housing Enterprises Financial Safety and
19 Soundness Act of 1992 (12 U.S.C. 4568);
20 and

21 (ii) 35 percent shall be transferred or
22 credited to the Capital Magnet Fund under
23 section 1339 of the Federal Housing En-
24 terprises Financial Safety and Soundness
25 Act of 1992 (12 U.S.C. 4569).

1 (4) CONVERSION.—The warrant shall provide
2 that if, after the warrant is received by the Sec-
3 retary under this section, the company that issued
4 the warrant is no longer listed or traded on a na-
5 tional securities exchange or securities association,
6 as described in subsection (b)(1), the Secretary will
7 have an option to convert the warrants to senior
8 debt to ensure that the Treasury is appropriately
9 compensated for the value of the warrant, in an
10 amount determined by the Secretary for the primary
11 benefit of taxpayers.

12 (5) PROTECTIONS.—Any warrant representing
13 securities to be received by the Secretary under this
14 section shall contain anti-dilution provisions of the
15 type employed in capital market transactions, as de-
16 termined by the Secretary for the primary benefit of
17 taxpayers. Such provisions shall protect the value of
18 the securities from market transactions such as
19 stock splits, stock distributions, dividends, and other
20 distributions, mergers, and other forms of reorga-
21 nization or recapitalization.

22 (6) EXERCISE PRICE.—The exercise price for
23 any warrant issued pursuant to this section shall be
24 set by the Secretary, for the primary benefit of tax-
25 payers.

1 (7) SUFFICIENCY.—The company shall guar-
2 antee to the Secretary that it has authorized shares
3 of stock available to fulfill its obligations under this
4 section. Should the company not have sufficient au-
5 thorized shares, including preferred shares that may
6 carry dividend rights equal to a multiple number of
7 common shares, the Secretary may, to the extent
8 necessary for the primary benefit of taxpayers, ac-
9 cept a senior debt note in an amount, and on such
10 terms as will compensate the Secretary with equiva-
11 lent value, in the event that a sufficient shareholder
12 vote to authorize the necessary additional shares
13 cannot be obtained.

14 (d) EXCEPTIONS.—The Secretary may establish an
15 exception to the requirements of this section and appro-
16 priate alternative requirements for any participating com-
17 pany that is legally prohibited from issuing securities and
18 debt instruments, so as not to allow circumvention of the
19 requirements of this section.

20 (e) PROHIBITIONS OF FOREIGN COMPANIES.—

21 (1) IN GENERAL.—The Secretary may not pur-
22 chase, or make any commitment to purchase, or
23 guarantee, or make any commitment to guarantee,
24 any asset in response to the coronavirus disease
25 (COVID–19) outbreak from—

1 (A) any foreign incorporated entity that
2 the Secretary has determined is an inverted do-
3 mestic corporation or any subsidiary of such en-
4 tity; or

5 (B) any joint venture if more than 10 per-
6 cent of the joint venture (by vote or value) is
7 held by a foreign incorporated entity that the
8 Secretary has determined is an inverted domes-
9 tic corporation or any subsidiary of such entity.

10 (2) INVERTED DOMESTIC CORPORATION.—

11 (A) IN GENERAL.—For purposes of this
12 subsection, a foreign incorporated entity shall
13 be treated as an inverted domestic corporation
14 if, pursuant to a plan (or a series of related
15 transactions)—

16 (i) the entity completes on or after
17 May 8, 2014, the direct or indirect acquisi-
18 tion of—

19 (I) substantially all of the prop-
20 erties held directly or indirectly by a
21 domestic corporation; or

22 (II) substantially all of the assets
23 of, or substantially all of the prop-
24 erties constituting a trade or business
25 of, a domestic partnership; and

1 (ii) after the acquisition, either—

2 (I) more than 50 percent of the
3 stock (by vote or value) of the entity
4 is held—

5 (aa) in the case of an acqui-
6 sition with respect to a domestic
7 corporation, by former share-
8 holders of the domestic corpora-
9 tion by reason of holding stock in
10 the domestic corporation; or

11 (bb) in the case of an acqui-
12 sition with respect to a domestic
13 partnership, by former partners
14 of the domestic partnership by
15 reason of holding a capital or
16 profits interest in the domestic
17 partnership; or

18 (II) the management and control
19 of the expanded affiliated group which
20 includes the entity occurs, directly or
21 indirectly, primarily within the United
22 States, as determined pursuant to
23 regulations prescribed by the Sec-
24 retary, and such expanded affiliated

1 group has significant domestic busi-
2 ness activities.

3 (B) EXCEPTION FOR CORPORATIONS WITH
4 SUBSTANTIAL BUSINESS ACTIVITIES IN FOR-
5 EIGN COUNTRY OF ORGANIZATION.—

6 (i) IN GENERAL.—A foreign incor-
7 porated entity described in subparagraph
8 (A) shall not be treated as an inverted do-
9 mestic corporation if after the acquisition
10 the expanded affiliated group which in-
11 cludes the entity has substantial business
12 activities in the foreign country in which or
13 under the law of which the entity is cre-
14 ated or organized when compared to the
15 total business activities of such expanded
16 affiliated group.

17 (ii) SUBSTANTIAL BUSINESS ACTIVI-
18 TIES.—The Secretary shall establish regu-
19 lations for determining whether an affili-
20 ated group has substantial business activi-
21 ties for purposes of clause (i), except that
22 such regulations may not treat any group
23 as having substantial business activities if
24 such group would not be considered to
25 have substantial business activities under

1 the regulations prescribed under section
2 7874 of the Internal Revenue Code of
3 1986, as in effect on January 18, 2017.

4 (C) SIGNIFICANT DOMESTIC BUSINESS AC-
5 TIVITIES.—

6 (i) IN GENERAL.—For purposes of
7 subparagraph (A)(ii)(II), an expanded af-
8 filiated group has significant domestic
9 business activities if at least 25 percent
10 of—

11 (I) the employees of the group
12 are based in the United States;

13 (II) the employee compensation
14 incurred by the group is incurred with
15 respect to employees based in the
16 United States;

17 (III) the assets of the group are
18 located in the United States; or

19 (IV) the income of the group is
20 derived in the United States.

21 (ii) DETERMINATION.—Determina-
22 tions pursuant to clause (i) shall be made
23 in the same manner as such determina-
24 tions are made for purposes of determining
25 substantial business activities under regu-

1 lations referred to in subparagraph (B) as
2 in effect on January 18, 2017, but applied
3 by treating all references in such regula-
4 tions to “foreign country” and “relevant
5 foreign country” as references to “the
6 United States”. The Secretary may issue
7 regulations decreasing the threshold per-
8 cent in any of the tests under such regula-
9 tions for determining if business activities
10 constitute significant domestic business ac-
11 tivities for purposes of this subparagraph.

12 (3) WAIVER.—

13 (A) IN GENERAL.—The Secretary may
14 waive paragraph (1) if the Secretary determines
15 that the waiver is—

16 (i) required in the interest of national
17 security; or

18 (ii) necessary for the efficient or effec-
19 tive administration of Federal or federally
20 funded—

21 (I) programs that provide health
22 benefits to individuals; or

23 (II) public health programs.

24 (B) REPORT TO CONGRESS.—The Sec-
25 retary shall, not later than 14 days after

1 issuing such waiver, submit a written notifica-
2 tion of the waiver to the relevant authorizing
3 committees of Congress and the Committees on
4 Appropriations of the Senate and the House of
5 Representatives.

6 (4) DEFINITIONS AND SPECIAL RULES.—

7 (A) DEFINITIONS.—In this subsection, the
8 terms “expanded affiliated group”, “foreign in-
9 corporated entity”, “domestic”, and “foreign”
10 have the meaning given those terms in section
11 835(c) of the Homeland Security Act of 2002
12 (6 U.S.C. 395(c)).

13 (B) SPECIAL RULES.—In applying para-
14 graph (2) of this subsection for purposes of
15 paragraph (1) of this subsection, the rules de-
16 scribed under 835(c)(1) of the Homeland Secu-
17 rity Act of 2002 (6 U.S.C. 395(c)(1)) shall
18 apply.

19 (5) REGULATIONS REGARDING MANAGEMENT
20 AND CONTROL.—

21 (A) IN GENERAL.—The Secretary shall, for
22 purposes of this subsection, prescribe regula-
23 tions for purposes of determining cases in which
24 the management and control of an expanded af-
25 filiated group is to be treated as occurring, di-

1 rectly or indirectly, primarily within the United
2 States. The regulations prescribed under the
3 preceding sentence shall apply to periods after
4 May 8, 2014.

5 (B) EXECUTIVE OFFICERS AND SENIOR
6 MANAGEMENT.—The regulations prescribed
7 under subparagraph (A) shall provide that the
8 management and control of an expanded affili-
9 ated group shall be treated as occurring, di-
10 rectly or indirectly, primarily within the United
11 States if substantially all of the executive offi-
12 cers and senior management of the expanded
13 affiliated group who exercise day-to-day respon-
14 sibility for making decisions involving strategic,
15 financial, and operational policies of the ex-
16 panded affiliated group are based or primarily
17 located within the United States. Individuals
18 who in fact exercise such day-to-day responsibil-
19 ities shall be treated as executive officers and
20 senior management regardless of their title.

21 (f) PREEMPTION.—Any State or Federal laws that
22 prohibit the transactions authorized by this statute, in-
23 cluding state or federal laws that prohibit company direc-
24 tors from agreeing to the transactions authorized by this
25 statute, are preempted and superseded by this statute.

1 **SEC. 409. AUTHORIZATION TO PARTICIPATE IN THE NEW**
2 **ARRANGEMENTS TO BORROW OF THE INTER-**
3 **NATIONAL MONETARY FUND.**

4 Section 17 of the Bretton Woods Agreements Act (22
5 U.S.C. 286e-2) is amended—

6 (1) in subsection (a)—

7 (A) by redesignating paragraphs (3)
8 through (5) as paragraphs (4) through (6) and
9 inserting after paragraph (2) the following:

10 “(3) In order to carry out the purposes of a
11 one-time decision of the Executive Directors of the
12 International Monetary Fund (the Fund) to expand
13 the resources of the New Arrangements to Borrow,
14 established pursuant to the decision of January 27,
15 1997 referred to in paragraph (1) above, the Sec-
16 retary of the Treasury is authorized to make loans,
17 in an amount not to exceed the dollar equivalent of
18 28,202,470,000 of Special Drawing Rights, in addi-
19 tion to any amounts previously authorized under this
20 section; except that prior to activation of the New
21 Arrangements to Borrow, the Secretary shall report
22 to Congress on whether supplementary resources are
23 needed to forestall or cope with an impairment of
24 the international monetary system and whether the
25 Fund has fully explored other means of funding to
26 the Fund.”; and

1 (B) in paragraph (6) (as so redesignated
2 by subparagraph (A) of this paragraph), by
3 striking “December 16, 2022” and inserting
4 “December 31, 2025”; and
5 (2) in subsection (e)(1), by inserting “(a)(3),”
6 after “(a)(2),”.

7 **SEC. 410. [RESERVED].**

8 **[Reserved]**

9 **SEC. 411. [RESERVED].**

10 **[Reserved]**

11 **SEC. 412. INTERNATIONAL FINANCE CORPORATION.**

12 The International Finance Corporation Act (22
13 U.S.C. 282 et seq.) is amended by adding at the end the
14 following:

15 **“SEC. 18. CAPITAL INCREASES AND AMENDMENT TO THE**
16 **ARTICLES OF AGREEMENT.**

17 “(a) VOTES AUTHORIZED.—The United States Gov-
18 ernor of the Corporation is authorized to vote in favor of—

19 “(1) a resolution to increase the authorized cap-
20 ital stock of the Corporation by 16,999,998 shares,
21 to implement the conversion of a portion of the re-
22 tained earnings of the Corporation into paid-in cap-
23 ital, which will result in the United States being
24 issued an additional 3,771,899 shares of capital
25 stock, without any cash contribution;

1 “(2) a resolution to increase the authorized cap-
2 ital stock of the Corporation on a general basis by
3 4,579,995 shares; and

4 “(3) a resolution to increase the authorized cap-
5 ital stock of the Corporation on a selective basis by
6 919,998 shares.

7 “(b) AMENDMENT OF THE ARTICLES OF AGREE-
8 MENT.—The United States Governor of the Corporation
9 is authorized to agree to and accept an amendment to Ar-
10 ticle II, Section 2(c)(ii) of the Articles of Agreement of
11 the Corporation that would increase the vote by which the
12 Board of Governors of the Corporation may increase the
13 capital stock of the Corporation from a four-fifths major-
14 ity to an 85 percent majority.”.

15 **SEC. 413. OVERSIGHT AND REPORTS.**

16 (a) OVERSIGHT.—

17 (1) SIGTARP.—As provided for under section
18 405 of this division, the Special Inspector General
19 for the Troubled Asset Relief Program (SIGTARP)
20 shall have oversight of the Secretary’s administra-
21 tion of the loans, loan guarantees, and other invest-
22 ments provided under section 101 of division Y, the
23 use of the funds by eligible businesses, and compli-
24 ance with the requirements of section 407.

1 (2) OVERSIGHT PANEL.—As provided for under
2 section 405 of this division, the Congressional
3 COVID–19 Aid Oversight Panel shall have oversight
4 of the Secretary’s administration of the loans, loan
5 guarantees, and other investments provided under
6 section 101 of division Y, the use of the funds by
7 eligible businesses, and compliance with the require-
8 ments of section 407.

9 (b) SECRETARY.—The Secretary shall, with respect
10 to the loans, loan guarantees, and other investments pro-
11 vided under section 101 of division Y, make such reports
12 as are required under section 5302 of title 31, United
13 States Code.

14 (c) GOVERNMENT ACCOUNTABILITY OFFICE.—

15 (1) STUDY.—The Comptroller General of the
16 United States shall conduct a study on the loans
17 and loan guarantees provided under section 101 of
18 division Y.

19 (2) REPORT.—Not later than 9 months after
20 the date of enactment of this Act, and annually
21 thereafter through the year succeeding the last year
22 for which loans or loan guarantees provided under
23 section 101 of division Y are in effect, the Comp-
24 troller General shall submit to the Committee on Fi-
25 nancial Services, the Committee on Appropriations,

1 and the Committee on the Budget of the House of
2 Representatives and the Committee on Banking,
3 Housing, and Urban Affairs, the Committee on Ap-
4 propriations, and the Committee on the Budget of
5 the Senate a report on the loans and loan guaran-
6 tees provided under section 101 of division Y.

7 (d) DIVERSITY REPORT.—The Congressional
8 COVID–19 Aid Oversight Panel, in conjunction with the
9 SIGTARP, shall collect diversity data from any corpora-
10 tion that receives Federal aid related to COVID–19, and
11 issue a report that will be made publicly available no later
12 than one year after the disbursement of funds. In addition
13 to any other data, the report shall include the following:

14 (1) EMPLOYEE DEMOGRAPHICS.—The gender,
15 race, and ethnic identity (and to the extent possible,
16 results disaggregated by ethnic group) of the cor-
17 poration’s employees, as otherwise known or pro-
18 vided voluntarily for the total number of employees
19 (full- and part-time) and the career level of employ-
20 ees (executive and manager versus employees in
21 other roles).

22 (2) SUPPLIER DIVERSITY.—The number and
23 dollar value invested with minority- and women-
24 owned suppliers (and to the extent possible, results
25 disaggregated by ethnic group), including profes-

1 sional services (legal and consulting) and asset man-
2 agers, and deposits and other accounts with minority
3 depository institutions, as compared to all vendor in-
4 vestments.

5 (3) PAY EQUITY.—A comparison of pay
6 amongst racial and ethnic minorities (and to the ex-
7 tent possible, results disaggregated by ethnic group)
8 as compared to their white counterparts and com-
9 parison of pay between men and women for similar
10 roles and assignments.

11 (4) CORPORATE BOARD DIVERSITY.—Corporate
12 board demographic data, including total number of
13 board members, gender, race and ethnic identity of
14 board members (and to the extent possible, results
15 disaggregated by ethnic group), as otherwise known
16 or provided voluntarily, board position titles, as well
17 as any leadership and subcommittee assignments.

18 (5) DIVERSITY AND INCLUSION OFFICES.—The
19 reporting structure of lead diversity officials, number
20 of staff and budget dedicated to diversity and inclu-
21 sion initiatives.

22 (e) DIVERSITY AND INCLUSION INITIATIVES.—Any
23 corporation that receives Federal aid related to COVID-
24 19 must maintain officials and budget dedicated to diver-

1 sity and inclusion initiatives for no less than 5 years after
2 disbursement of funds.

3 **TITLE V—PANDEMIC PLANNING**
4 **AND GUIDANCE FOR CON-**
5 **SUMERS AND REGULATORS**

6 **SEC. 501. FINANCIAL LITERACY EDUCATION COMMISSION**
7 **EMERGENCY RESPONSE.**

8 (a) **PURPOSE.**—The purpose of this section is to pro-
9 vide financial literacy education, including information on
10 access to banking services and other financial products,
11 for individuals seeking information and resources as they
12 recover from any financial distress caused by the
13 coronavirus disease (COVID–19) outbreak and future
14 major disasters.

15 (b) **FINANCIAL LITERACY AND EDUCATION COMMISS-**
16 **SION RESPONSE TO THE COVID–19 EMERGENCY.**—

17 (1) **SPECIAL MEETING.**—Not later than the end
18 of the 60-day period beginning on the date of enact-
19 ment of this section, the Financial Literacy and
20 Education Commission (the “Commission”) shall
21 convene a special meeting to discuss and plan assist-
22 ance related to the financial impacts of the COVID–
23 19 emergency.

24 (2) **UPDATE OF THE COMMISSION’S WEBSITE.**—

1 (A) IN GENERAL.—Not later than the end
2 of the 60-day period beginning on the date of
3 enactment of this section, the Commission shall
4 update the website of the Commission with a
5 full list of tools to help individuals recover from
6 any financial hardship as a result of the
7 COVID–19 emergency.

8 (B) SPECIFIC REQUIREMENTS.—In per-
9 forming the update required under subpara-
10 graph (A), the Commission shall—

11 (i) place special emphasis on providing
12 an additional set of tools geared towards
13 women, racial and ethnic minorities, vet-
14 erans, disabled, and LGBTQ+ commu-
15 nities; and

16 (ii) provide information in English
17 and Spanish.

18 (C) INFORMATION FROM MEMBERS.—Not
19 later than the end of the 60-day period begin-
20 ning on the date of enactment of this section,
21 each Federal department or agency that is a
22 member of the Commission shall provide an up-
23 date on the website of the Commission dis-
24 closing any tools that the department or agency
25 is offering to individuals or to employees of the

1 department or agency related to the COVID–19
2 emergency.

3 (3) IMPLEMENTATION REPORT TO CONGRESS.—

4 The Secretary of the Treasury and the Director of
5 the Bureau of Consumer Financial Protection shall,
6 jointly and not later than the end of the 30-day pe-
7 riod following the date on which the meeting re-
8 quired under paragraph (1) is held and all updates
9 required under paragraph (2) have been completed,
10 report to Congress on the implementation of this
11 section.

12 (4) COVID–19 EMERGENCY DEFINED.—In this
13 subsection, the term “COVID–19 emergency” means
14 the emergency declared on March 13, 2020, by the
15 President under the Robert T. Stafford Disaster Re-
16 lief and Emergency Assistance Act (42 U.S.C. 4121
17 et seq.) relating to the Coronavirus Disease 2019
18 (COVID–19) pandemic.

19 **SEC. 502. INTERAGENCY PANDEMIC GUIDANCE FOR CON-**
20 **SUMERS.**

21 (a) INTERAGENCY PANDEMIC GUIDANCE.—

22 (1) GUIDANCE.—Not later than the end of the
23 60-day period beginning on the date of enactment of
24 this section, the Federal financial regulators shall
25 issue interagency regulatory guidance on prepared-

1 ness, flexibility, and relief options for consumers in
2 pandemics and major disasters, such as deferment,
3 forbearance, affordable payment plan options, and
4 other options such as delays on debt collections and
5 wage garnishments.

6 (2) UPDATES.—The Federal financial regu-
7 lators shall update the guidance required under
8 paragraph (1) as necessary to keep such guidance
9 current.

10 (b) PANDEMIC PREPAREDNESS TESTING.—

11 (1) IN GENERAL.—Not later than the end of
12 the 2-year period beginning on the date of enact-
13 ment of this section, and every 5 years thereafter,
14 the Federal financial regulators shall carry out test-
15 ing along with the institutions regulated by the Fed-
16 eral financial regulators to determine how effectively
17 such institutions will be able to respond to a pan-
18 demic or major disaster.

19 (2) REPORT.—After the end of each test re-
20 quired under paragraph (1), the Federal financial
21 regulators shall, jointly, issue a report to Congress
22 containing the results of such test and any regu-
23 latory or legislative recommendations the regulators
24 may have to increase pandemic preparedness.

25 (c) DEFINITIONS.—In this section:

1 (1) FEDERAL FINANCIAL REGULATORS.—The
2 term “Federal financial regulators” means the
3 Board of Governors of the Federal Reserve System,
4 the Bureau of Consumer Financial Protection, the
5 Comptroller of the Currency, the Director of the
6 Federal Housing Finance Agency, the Federal De-
7 posit Insurance Corporation, the National Credit
8 Union Administration, the Secretary of Agriculture,
9 and the Secretary of Housing and Urban Develop-
10 ment.

11 (2) MAJOR DISASTER.—The term “major dis-
12 aster” means a major disaster declared by the Presi-
13 dent under section 401 of the Robert T. Stafford
14 Disaster Relief and Emergency Assistance Act (42
15 U.S.C. 5170), under which assistance is authorized
16 under section 408 of such Act (42 U.S.C. 5174), or
17 section 501 of such Act (42 U.S.C. 5191).

18 **SEC. 503. SEC PANDEMIC GUIDANCE FOR INVESTORS.**

19 (a) PANDEMIC GUIDANCE.—

20 (1) GUIDANCE.—Not later than the end of the
21 60-day period beginning on the date of enactment of
22 this section, the Securities and Exchange Commis-
23 sion shall issue regulatory guidance on preparedness,
24 flexibility, relief, and investor protection for inves-

1 tors in pandemics and major disasters, including rel-
2 evant disclosures.

3 (2) UPDATES.—The Commission shall update
4 the guidance required under paragraph (1) as nec-
5 essary to keep such guidance current.

6 (b) PANDEMIC PREPAREDNESS TESTING.—

7 (1) IN GENERAL.—Not later than the end of
8 the 60-day period beginning on the date of enact-
9 ment of this Act, and every 5 years thereafter, the
10 Securities and Exchange Commission shall carry out
11 testing along with the entities regulated by the Com-
12 mission to determine how effectively such entities
13 will be able to respond to a pandemic or major dis-
14 aster.

15 (2) REPORT.—After the end of each test re-
16 quired under paragraph (1), the Commission shall
17 issue a report to Congress containing the results of
18 such test and any regulatory or legislative rec-
19 ommendations the Commission may have to increase
20 pandemic preparedness.

21 (c) MAJOR DISASTER DEFINED.—In this section, the
22 term “major disaster” means a major disaster declared
23 by the President under section 401 of the Robert T. Staf-
24 ford Disaster Relief and Emergency Assistance Act (42
25 U.S.C. 5170), under which assistance is authorized

1 under section 408 of such Act (42 U.S.C. 5174), or sec-
2 tion 501 of such Act (42 U.S.C. 5191).

3 **SEC. 504. UPDATES OF THE PANDEMIC INFLUENZA PLAN**
4 **AND NATIONAL PLANNING FRAMEWORKS.**

5 (a) IN GENERAL.—Not later than one year following
6 the end of the Declaration of the National Emergency, the
7 President shall ensure that the Pandemic Influenza Plan
8 (2017 Update) and the National Planning Frameworks
9 are updated. The Secretary of the Treasury, in consulta-
10 tion with the Federal financial regulators, shall provide
11 to the President the following:

12 (1) An assessment of the effectiveness of cur-
13 rent plans and strategies to address the economic, fi-
14 nancial, and monetary issues arising from a pan-
15 demic or other disaster.

16 (2) A description of the most significant chal-
17 lenges to protecting the economy, the financial sys-
18 tem, and consumers, during a pandemic or other
19 disaster, including the specific challenges experi-
20 enced by women, racial and ethnic minorities, di-
21 verse-owned businesses, veterans, and the disabled.

22 (3) Actions that could be carried out in a crisis,
23 as defined by the preparedness plans described in
24 subsection (a), such as the following:

1 (A) Significant increases of unemployment
2 insurance benefits (including payment amounts)
3 for all workers under a certain income thresh-
4 old, including freelancers and the self-employed,
5 during the crisis.

6 (B) Loan deference, modification, and for-
7 bearance mechanisms of all consumer and busi-
8 ness payments, allowing long-term repayment
9 plans and excluding no industries, during the
10 crisis.

11 (C) Suspension of foreclosure and eviction
12 proceedings taken against individuals or busi-
13 nesses during the crisis.

14 (D) Suspension of all negative consumer
15 credit reporting during the crisis.

16 (E) Prohibition of debt collection, reposses-
17 sion, and garnishment of wages during the cri-
18 sis.

19 (F) Provision of emergency homeless as-
20 sistance during the crisis.

21 (G) An increase in Community Develop-
22 ment Block Grants during the crisis and to im-
23 prove community response.

24 (H) Reduction of hurdles in the form of
25 waivers and authorities to modify existing hous-

1 ing and homelessness programs to facilitate re-
2 sponse to the crisis.

3 (I) Expand the size standards for eligible
4 businesses with access no-interest or low-inter-
5 est loans through the Small Business Adminis-
6 tration during the crisis.

7 (J) Remove the size standard limits on eli-
8 gible businesses with access no-interest or low-
9 interest loans through the Small Business Ad-
10 ministration during the crisis for businesses
11 that agree to maintain their employment work-
12 force and preserve benefits during the crisis.

13 (K) Support for additional no-interest or
14 low-interest loans for small businesses through
15 the Small Business Administration during the
16 crisis.

17 (L) Utilization of the Community Develop-
18 ment Financial Institutions (CDFI) Fund to
19 support small businesses as well as low-income
20 communities during the crisis.

21 (M) Support for State, territory, and local
22 government financing during the crisis.

23 (N) Waiver of matching requirements for
24 municipal governments during the crisis.

1 (O) Suspension of requirements relating to
2 minimum distributions for retirement plans and
3 individual retirement accounts for the calendar
4 years of which the crisis is occurring.

5 (b) SPECIAL CONSIDERATION FOR DIVERSITY.—In
6 issuing the updates required under subsection (a), the
7 President shall ensure that consideration is given as to
8 how to minimize the economic impacts of a crisis on
9 women, minorities, diverse-owned businesses, veterans,
10 and the disabled.

11 (c) MAKING PLANS PUBLIC.—The updated plans de-
12 scribed in subsection (a) shall be made publicly available,
13 but may have classified information redacted.

14 (d) DEFINITIONS.—In this section:

15 (1) DECLARATION OF THE NATIONAL EMER-
16 GENCY.—The term “Declaration of the National
17 Emergency” means the emergency declared by the
18 President under section 501 of the Robert T. Staf-
19 ford Disaster Relief and Emergency Assistance Act
20 (42 U.S.C. 5191) relating to the COVID–19 pan-
21 demic.

22 (2) FEDERAL FINANCIAL REGULATOR.—The
23 term “Federal financial regulators” means the Bu-
24 reau of Consumer Financial Protection, the Federal
25 Deposit Insurance Corporation, the Federal Housing

1 Finance Agency, the Board of Governors of the Fed-
2 eral Reserve System, the Office of the Comptroller
3 of the Currency, the National Credit Union Adminis-
4 tration, and the Securities and Exchange Commis-
5 sion.

6 **DIVISION J—EDUCATION RELIEF**
7 **AND OTHER PROGRAMS**
8 **TITLE I—EDUCATION**
9 **PROVISIONS**

10 **SEC. 100101. SHORT TITLE.**

11 This title may be cited as the “COVID–19 Pandemic
12 Education Relief Act of 2020”.

13 **SEC. 100102. DEFINITIONS.**

14 In this title:

15 (1) **CORONAVIRUS.**—The term “coronavirus”
16 has the meaning given that term in section 506 of
17 the Coronavirus Preparedness and Response Supple-
18 mental Appropriations Act, 2020 (Public Law 116–
19 123).

20 (2) **INSTITUTION OF HIGHER EDUCATION.**—The
21 term “institution of higher education” has the
22 meaning given that term in section 102 of the High-
23 er Education Act of 1965 (20 U.S.C. 1002).

24 (3) **QUALIFYING EMERGENCY.**—The term
25 “qualifying emergency” means—

1 (A) a public health emergency related to
2 the coronavirus declared by the Secretary of
3 Health and Human Services pursuant to sec-
4 tion 319 of the Public Health Service Act (42
5 U.S.C. 247d);

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

12 (C) a national emergency related to the
13 coronavirus declared by the President under
14 section 201 of the National Emergencies Act
15 (50 U.S.C. 1601 et seq.).

16 (4) SECRETARY.—The term “Secretary” means
17 the Secretary of Education.

18 (5) FOREIGN INSTITUTION.—The term “foreign
19 institution” means an institution of higher education
20 located outside the United States that is described
21 in paragraphs (1)(C) and (2) of section 102(a) of
22 the Higher Education Act of 1965 (20 U.S.C.
23 1002(a)).

1 **SEC. 100103. CAMPUS-BASED AID WAIVERS.**

2 (a) WAIVER OF NON-FEDERAL SHARE REQUIRE-
3 MENT.—Notwithstanding sections 413C(a)(2) and
4 443(b)(5) of the Higher Education Act of 1965 (20
5 U.S.C. 1070b–2(a)(2) and 1087–53(b)(5)), with respect
6 to funds made available for award years 2019–2020 and
7 2020–2021, the Secretary shall waive the requirement
8 that a participating institution of higher education provide
9 a non-Federal share to match Federal funds provided to
10 the institution for the programs authorized pursuant to
11 subpart 3 of part A and part C of title IV of the Higher
12 Education Act of 1965 (20 U.S.C. 1070b et seq. and
13 1087–51 et seq.) for all awards made under such pro-
14 grams during such award years, except nothing in this
15 subsection shall affect the non-Federal share requirement
16 under section 443(c)(3) of such Act that applies to private
17 for-profit organizations.

18 (b) AUTHORITY TO REALLOCATE.—Notwithstanding
19 sections 413D, 442, and 488 of the Higher Education Act
20 of 1965 (20 U.S.C. 1070b–3, 1087–52, and 1095), during
21 a period of a qualifying emergency, an institution may
22 transfer up to 100 percent of the institution’s unexpended
23 allotment under section 442 of such Act to the institu-
24 tion’s allotment under section 413D of such Act, but may
25 not transfer any funds from the institution’s unexpended

1 allotment under section 413D of such Act to the institu-
2 tion's allotment under section 442 of such Act.

3 **SEC. 100104. USE OF SUPPLEMENTAL EDUCATIONAL OP-**
4 **PORTUNITY GRANTS FOR EMERGENCY AID.**

5 (a) IN GENERAL.—Notwithstanding section 413B of
6 the Higher Education Act of 1965 (20 U.S.C. 1070b–1),
7 an institution of higher education may reserve any amount
8 of an institution's allocation under subpart 3 of part A
9 of title IV of the Higher Education Act of 1965 (20 U.S.C.
10 1070b et seq.) for a fiscal year to award, in such fiscal
11 year, emergency financial aid grants to assist under-
12 graduate or graduate students for unexpected expenses
13 and unmet financial need as the result of a qualifying
14 emergency.

15 (b) DETERMINATIONS.—In determining eligibility for
16 and awarding emergency financial aid grants under this
17 section, an institution of higher education may—

18 (1) waive the amount of need calculation under
19 section 471 of the Higher Education Act of 1965
20 (20 U.S.C. 1087kk);

21 (2) allow for a student affected by a qualifying
22 emergency to receive funds in an amount that is not
23 more than the maximum Federal Pell Grant for the
24 applicable award year; and

1 or less than the amount of wages such students
2 would have been paid under such part had the stu-
3 dents been able to complete the work obligation nec-
4 essary to receive work study funds, as a one time
5 grant or as multiple payments.

6 (2) Payments shall not be made to any student
7 who was not eligible for work study or was not com-
8 pleting the work obligation necessary to receive work
9 study funds under such part prior to the occurrence
10 of the qualifying emergency.

11 (3) Any payments made to affected work-study
12 students under this subsection shall meet the match-
13 ing requirements of section 443 of the Higher Edu-
14 cation Act of 1965 (20 U.S.C. 1087–53), unless
15 such matching requirements are waived by the Sec-
16 retary.

17 (b) DEFINITION OF AFFECTED WORK-STUDY STU-
18 DENT.—In this section, the term “affected work-study
19 student” means a student enrolled at an eligible institu-
20 tion participating in the program under part C of title IV
21 of the Higher Education Act of 1965 (20 U.S.C. 1087–
22 51 et seq.) who—

23 (1) received a work-study award under section
24 443 of the Higher Education Act of 1965 (20

1 U.S.C. 1087–53) for the academic year during which
2 a qualifying emergency occurred;

3 (2) earned Federal work-study wages from such
4 eligible institution for such academic year; and

5 (3) was prevented from fulfilling the student’s
6 work-study obligation for all or part of such aca-
7 demic year due to such qualifying emergency.

8 **SEC. 100106. ADJUSTMENT OF SUBSIDIZED LOAN USAGE**
9 **LIMITS.**

10 Notwithstanding section 455(q)(3) of the Higher
11 Education Act of 1965 (20 U.S.C. 1087e(q)(3)), the Sec-
12 retary shall exclude from a student’s period of enrollment
13 for purposes of loans made under part D of title IV of
14 the Higher Education Act of 1965 (20 U.S.C. 1087a et
15 seq.) any semester (or the equivalent) that the student
16 does not complete due to a qualifying emergency, if the
17 Secretary is able to administer such policy in a manner
18 that limits complexity and the burden on the student.

19 **SEC. 100107. EXCLUSION FROM FEDERAL PELL GRANT DU-**
20 **RATION LIMIT.**

21 The Secretary shall exclude from a student’s Federal
22 Pell Grant duration limit under section 401(c)(5) of the
23 Higher Education Act of 1965 (2 U.S.C. 1070a(e)(5)) any
24 semester (or the equivalent) that the student does not
25 complete due to a qualifying emergency if the Secretary

1 is able to administer such policy in a manner that limits
2 complexity and the burden on the student.

3 **SEC. 100108. INSTITUTIONAL REFUNDS AND FEDERAL STU-**
4 **DENT LOAN FLEXIBILITY.**

5 (a) INSTITUTIONAL WAIVER.—

6 (1) IN GENERAL.—The Secretary shall waive
7 the institutional requirement under section 484B of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1091b) with respect to the amount of grant or loan
10 assistance (other than assistance received under part
11 C of title IV of such Act) to be returned under such
12 section if a recipient of assistance under title IV of
13 the Higher Education Act of 1965 (20 U.S.C. 1070
14 et seq.) withdraws from the institution of higher
15 education during the payment period or period of
16 enrollment as a result of a qualifying emergency.

17 (2) WAIVERS.—The Secretary shall require
18 each institution using a waiver relating to the with-
19 drawal of recipients under this subsection to report
20 the number of such recipients, the amount of grant
21 or loan assistance (other than assistance received
22 under part C of title IV of such Act) associated with
23 each such recipient, and the total amount of grant
24 or loan assistance (other than assistance received
25 under part C of title IV of such Act) for which each

1 institution has not returned assistance under title IV
2 to the Secretary.

3 (b) STUDENT WAIVER.—The Secretary shall waive
4 the amounts that students are required to return under
5 section 484B of the Higher Education Act of 1965 (20
6 U.S.C. 1091b) with respect to Federal Pell Grants or
7 other grant assistance if the withdrawals on which the re-
8 turns are based are withdrawals by students who withdrew
9 from the institution of higher education as a result of a
10 qualifying emergency.

11 (c) CANCELING LOAN OBLIGATION.—Notwith-
12 standing any other provision of the Higher Education Act
13 of 1965 (20 U.S.C. 1001 et seq.), the Secretary shall can-
14 cel the borrower's obligation to repay the entire portion
15 of a loan made under part D of title IV of such Act (20
16 U.S.C. 1087a et seq.) associated with a payment period
17 for a recipient of such loan who withdraws from the insti-
18 tution of higher education during the payment period as
19 a result of a qualifying emergency.

20 (d) APPROVED LEAVE OF ABSENCE.—Notwith-
21 standing any other provision of the Higher Education Act
22 of 1965 (20 U.S.C. 1001 et seq.), for purposes of receiving
23 assistance under title IV of the Higher Education Act of
24 1965 (20 U.S.C. 1070 et seq.), an institution of higher
25 education may, as a result of a qualifying emergency, pro-

1 vide a student with an approved leave of absence that does
2 not require the student to return at the same point in the
3 academic program that the student began the leave of ab-
4 sence if the student returns within the same semester (or
5 the equivalent).

6 **SEC. 100109. SATISFACTORY ACADEMIC PROGRESS.**

7 Notwithstanding section 484 of the Higher Education
8 Act of 1965 (20 U.S.C. 1091), in determining whether a
9 student is maintaining satisfactory academic progress for
10 purposes of title IV of the Higher Education Act of 1965
11 (20 U.S.C. 1070 et seq.), an institution of higher edu-
12 cation may, as a result of a qualifying emergency, exclude
13 from the quantitative component of the calculation any at-
14 tempted credits that were not completed by such student
15 without requiring an appeal by such student.

16 **SEC. 100110. CONTINUING EDUCATION AT AFFECTED FOR-**
17 **EIGN INSTITUTIONS.**

18 (a) IN GENERAL.—Notwithstanding section 481(b)
19 of the Higher Education Act of 1965 (20 U.S.C. 1088(b)),
20 with respect to a foreign institution, in the case of a public
21 health emergency, major disaster or emergency, or na-
22 tional emergency declared by the applicable government
23 authorities in the country in which the foreign institution
24 is located, the Secretary may permit any part of an other-
25 wise eligible program to be offered via distance education

1 for the duration of such emergency or disaster and the
2 following payment period for purposes of title IV of the
3 Higher Education Act of 1965 (20 U.S.C. 1070 et seq.).

4 (b) ELIGIBILITY.—An otherwise eligible program
5 that is offered in whole or in part through distance edu-
6 cation by a foreign institution between March 1, 2020, and
7 the date of enactment of this Act shall be deemed eligible
8 for the purposes of part D of title IV of the Higher Edu-
9 cation Act of 1965 (20 U.S.C. 1087a et seq.) for the dura-
10 tion of the emergency or disaster affecting the institution
11 as described in subsection (a) and the following payment
12 period for purposes of title IV of the Higher Education
13 Act of 1965 (20 U.S.C. 1070 et seq.). An institution of
14 higher education that uses the authority provided in the
15 previous sentence shall report such use to the Secretary—

16 (1) for the 2019–2020 award year, not later
17 than June 30, 2020; and

18 (2) for an award year subsequent to the 2019–
19 2020 award year, not later than 30 days after such
20 use.

21 (c) REPORT.—Not later than 180 days after the date
22 of enactment of this Act, and every 180 days thereafter
23 for the duration of the applicable disaster or emergency
24 and the following payment period, the Secretary shall sub-
25 mit to the authorizing committees (as defined in section

1 103 of the Higher Education Act of 1965 (20 U.S.C.
2 1003)) a report that identifies each foreign institution
3 that carried out a distance education program authorized
4 under this section.

5 (d) WRITTEN ARRANGEMENTS.—

6 (1) IN GENERAL.—Notwithstanding section 102
7 of the Higher Education Act of 1965 (20 U.S.C.
8 1002), with respect to a foreign institution, in the
9 case of a public health emergency, major disaster or
10 emergency, or national emergency declared by the
11 applicable government authorities in the country in
12 which the foreign institution is located, the Sec-
13 retary may allow a foreign institution to enter into
14 a written arrangement with an institution of higher
15 education located in the United States that partici-
16 pates in the Federal Direct Loan Program under
17 part D of title IV of the Higher Education Act of
18 1965 (20 U.S.C. 1087a et seq.), for the duration of
19 such emergency or disaster and the following pay-
20 ment period, for the purpose of allowing a student
21 of the foreign institution who is a borrower of a loan
22 made under such part to take courses from the insti-
23 tution of higher education located in the United
24 States.

25 (2) FORM OF ARRANGEMENTS.—

1 (A) PUBLIC OR OTHER NONPROFIT INSTI-
2 TUTIONS.—A foreign institution that is a public
3 or other nonprofit institution may enter into a
4 written arrangement under paragraph (1) only
5 with an institution of higher education de-
6 scribed in section 101 of such Act (20 U.S.C.
7 1001).

8 (B) OTHER INSTITUTIONS.—A foreign in-
9 stitution that is a graduate medical school,
10 nursing school, or a veterinary school and that
11 is not a public or other nonprofit institution
12 may enter into a written arrangement under
13 paragraph (1) with an institution of higher edu-
14 cation described in section 101 or section 102
15 of such Act (20 U.S.C. 1001 and 1002).

16 (3) REPORT ON USE.—An institution of higher
17 education that uses the authority described in para-
18 graph (2) shall report such use to the Secretary—

19 (A) for the 2019–2020 award year, not
20 later than June 30, 2020; and

21 (B) for an award year subsequent to the
22 2019–2020 award year, not later than 30 days
23 after such use.

24 (4) REPORT FROM THE SECRETARY.—Not later
25 than 180 days after the date of enactment of this

1 Act, and every 180 days thereafter for the duration
2 of the applicable disaster or emergency and the fol-
3 lowing payment period, the Secretary shall submit to
4 the authorizing committees (as defined in section
5 103 of the Higher Education Act of 1965 (20
6 U.S.C. 1003)) a report that identifies each foreign
7 institution that entered into a written arrangement
8 authorized under paragraph (1).

9 **SEC. 100111. HBCU CAPITAL FINANCING.**

10 (a) DEFERMENT PERIOD.—

11 (1) IN GENERAL.—Notwithstanding any provi-
12 sion of title III of the Higher Education Act of 1965
13 (20 U.S.C. 1051 et seq.), or any regulation promul-
14 gated under such title, the Secretary may grant a
15 deferment, for the duration of a qualifying emer-
16 gency, to an institution of higher education that has
17 received a loan under part D of title III of such Act
18 (20 U.S.C. 1066 et seq.).

19 (2) TERMS.—During the deferment period
20 granted under this subsection—

21 (A) the institution of higher education
22 shall not be required to pay any periodic install-
23 ment of principal or interest required under the
24 loan agreement for such loan; and

1 (B) the Secretary shall make principal and
2 interest payments otherwise due under the loan
3 agreement.

4 (3) CLOSING.—At the closing of a loan deferred
5 under this subsection, terms shall be set under
6 which the institution of higher education shall be re-
7 quired to repay the Secretary for the payments of
8 principal and interest made by the Secretary during
9 the deferment, on a schedule that begins upon re-
10 payment to the lender in full on the loan agreement,
11 except in no case shall repayment be required to
12 begin before the date that is 1 full fiscal year after
13 the date that is the end of the qualifying emergency.

14 (b) TERMINATION DATE.—

15 (1) IN GENERAL.—The authority provided
16 under this section to grant a loan deferment under
17 subsection (a) shall terminate on the date on which
18 the qualifying emergency is no longer in effect.

19 (2) DURATION.—Any provision of a loan agree-
20 ment or insurance agreement modified by the au-
21 thority under this section shall remain so modified
22 for the duration of the period covered by the loan
23 agreement or insurance agreement.

24 (c) REPORT.—Not later than 180 days after the date
25 of enactment of this Act, and every 180 days thereafter

1 during the period beginning on the first day of the quali-
2 fying emergency and ending on September 30 of the fiscal
3 year following the end of the qualifying emergency, the
4 Secretary shall submit to the authorizing committees (as
5 defined in section 103 of the Higher Education Act of
6 1965 (20 U.S.C. 1003)) a report that identifies each insti-
7 tution of higher education that received assistance under
8 this section.

9 **SEC. 100112. WAIVER AUTHORITY AND REPORTING RE-**
10 **QUIREMENT FOR INSTITUTIONAL AID.**

11 (a) **WAIVER AUTHORITY.**—Notwithstanding any
12 other provision of the Higher Education Act of 1965
13 (U.S.C. 1001 et seq.), unless enacted with specific ref-
14 erence to this section, for any institution of higher edu-
15 cation that was receiving assistance under title III, title
16 V, or subpart 4 of part A of title VII of such Act (20
17 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) at the
18 time of a qualifying emergency, the Secretary may, for the
19 period beginning on the first day of the qualifying emer-
20 gency and ending on September 30 of the fiscal year fol-
21 lowing the end of the qualifying emergency—

22 (1) waive—

23 (A) the eligibility data requirements set
24 forth in section 391(d) and 521(e) of the High-

1 er Education Act of 1965 (20 U.S.C. 1068(d)
2 and 1103(e));

3 (B) the wait-out period set forth in section
4 313(d) of the Higher Education Act of 1965
5 (20 U.S.C. 1059(d));

6 (C) the allotment requirements under
7 paragraphs (2) and (3) of subsection 318(e) of
8 the Higher Education Act of 1965 (20 U.S.C.
9 1059e(e)), and references to “the academic year
10 preceding the beginning of that fiscal year” in
11 paragraph (1);

12 (D) the allotment requirements under sub-
13 sections (b), (c), and (g) of section 324 of the
14 Higher Education Act of 1965 (20 U.S.C.
15 1063), and references to “the end of the school
16 year preceding the beginning of that fiscal
17 year” under subsection (a) and references to
18 “the academic year preceding such fiscal year”
19 under subsection (h) of such section;

20 (E) subparagraphs (A), (C), (D), and (E)
21 of section 326(f)(3) of the Higher Education
22 Act of 1965 (20 U.S.C. 1063b(f)(3)), and ref-
23 erences to “previous year” under subparagraph
24 (B) of such section;

1 (F) subparagraphs (A), (C), (D), and (E)
2 of section 723(f)(3) and section 724(f)(3) of the
3 Higher Education Act of 1965 (20 U.S.C.
4 1136a(f)(3) and 1136b(f)(3)), and references to
5 “previous academic year” under subparagraph
6 (B) of such sections; and

7 (G) the allotment restriction set forth in
8 section 318(d)(4) and 323(c)(2) of the Higher
9 Education Act of 1965 (20 U.S.C. 1059e(d)(4)
10 and 1062(e)(2)); and

11 (2) waive or modify any statutory or regulatory
12 provision to ensure that institutions that were re-
13 ceiving assistance under title III, title V, or subpart
14 4 of part A of title VII of such Act (20 U.S.C. 1051
15 et seq.; 1101 et seq.; 1136a et seq.) at the time of
16 a qualifying emergency are not adversely affected by
17 any formula calculation for fiscal year 2020 and for
18 the period beginning on the first day of the quali-
19 fying emergency and ending on September 30 of the
20 fiscal year following the end of the qualifying emer-
21 gency, as necessary.

22 (b) USE OF UNEXPENDED FUNDS.—Any funds paid
23 to an institution under title III, title V, or subpart 4 of
24 part A of title VII of the Higher Education Act of 1965
25 (20 U.S.C. 1051 et seq.; 1101 et seq.; 1136a et seq.) and

1 not expended or used for the purposes for which the funds
2 were paid to the institution during the 5-year period fol-
3 lowing the date on which the funds were first paid to the
4 institution, may be carried over and expended during the
5 succeeding 5-year period.

6 (c) REPORT.—Not later than 180 days after the date
7 of enactment of this Act, and every 180 days thereafter
8 for the period beginning on the first day of the qualifying
9 emergency and ending on September 30 of the fiscal year
10 following the end of the qualifying emergency, the Sec-
11 retary shall submit to the authorizing committees (as de-
12 fined in section 103 of the Higher Education Act of 1965
13 (20 U.S.C. 1003)) a report that identifies each institution
14 that received a waiver or modification under this section.

15 **SEC. 100113. AUTHORIZED USES AND OTHER MODIFICA-**
16 **TIONS FOR GRANTS.**

17 (a) IN GENERAL.—The Secretary is authorized to
18 modify the required and allowable uses of funds for grants
19 awarded under part A or B of title III, chapters I or II
20 of subpart 2 of part A of title IV, title V, or subpart 4
21 of part A of title VII of the Higher Education Act of 1965
22 (20 U.S.C. 1057 et seq.; 1060 et seq.; 1070a–11 et seq.;
23 1070a–21 et seq.; 1101 et seq.; 1136a et seq.) to an insti-
24 tution of higher education or other grant recipient (not
25 including individual recipients of Federal student financial

1 assistance), at the request of an institution of higher edu-
2 cation or other recipient of a grant (not including indi-
3 vidual recipients of Federal student financial assistance)
4 as a result of a qualifying emergency, for the period begin-
5 ning on the first day of the qualifying emergency and end-
6 ing on September 30 of the fiscal year following the end
7 of the qualifying emergency.

8 (b) MATCHING REQUIREMENT MODIFICATIONS.—
9 Notwithstanding any other provision of the Higher Edu-
10 cation Act of 1965 (20 U.S.C. 1001 et seq.), the Secretary
11 is authorized to modify any Federal share or other finan-
12 cial matching requirement for a grant awarded on a com-
13 petitive basis, or a grant awarded under part A or B of
14 title III or subpart 4 of part A of title VII of the Higher
15 Education Act of 1965 (20 U.S.C. 1057 et seq.; 1060 et
16 seq.; 1136a et seq.) at the request of an institution of
17 higher education or other grant recipient as a result of
18 a qualifying emergency, for the period beginning on the
19 first day of the qualifying emergency and ending on Sep-
20 tember 30 of the fiscal year following the end of the quali-
21 fying emergency.

22 (c) REPORTS.—Not later than 180 days after the
23 date of enactment of this Act, and every 180 days there-
24 after for the duration of the period beginning on the first
25 day of the qualifying emergency and ending on September

1 30 of the fiscal year following the end of the qualifying
2 emergency, the Secretary shall submit to the authorizing
3 committees (as defined in section 103 of the Higher Edu-
4 cation Act of 1965 (20 U.S.C. 1003)) a report that identi-
5 fies each institution of higher education or other grant re-
6 cipient that received a modification under this section.

7 **SEC. 100114. SERVICE OBLIGATIONS FOR TEACHERS.**

8 (a) **TEACH GRANTS.**—For the purposes of section
9 420N of the Higher Education Act of 1965 (20 U.S.C.
10 1070g–2), during a qualifying emergency, the Secretary—

11 (1) may modify the categories of extenuating
12 circumstances under which a recipient of a grant
13 under subpart 9 of part A of title IV of such Act
14 who is unable to fulfill all or part of the recipient’s
15 service obligation may be excused from fulfilling that
16 portion of the service obligation; and

17 (2) shall consider teaching service that, as a re-
18 sult of a qualifying emergency, is part-time or tem-
19 porarily interrupted to be full-time service and to
20 fulfill the service obligations under section 420N.

21 (b) **TEACHER LOAN FORGIVENESS.**—Notwith-
22 standing section 428J or 460 of the Higher Education Act
23 of 1965 (20 U.S.C. 1078–10; 1087j), the Secretary shall
24 waive the requirements under such sections that years of
25 teaching service shall be consecutive if—

1 (1) the teaching service of a borrower is tempo-
2 rarily interrupted due to a qualifying emergency;
3 and

4 (2) after the temporary interruption due to a
5 qualifying emergency, the borrower resumes teaching
6 service and completes a total of five years of quali-
7 fying teaching service under such sections, including
8 qualifying teaching service performed before, during,
9 and after such qualifying emergency.

10 **SEC. 100115. PAYMENTS FOR STUDENT LOAN BORROWERS**

11 **AS A RESULT OF A NATIONAL EMERGENCY.**

12 (a) PAYMENTS FOR STUDENT LOAN BORROWERS
13 DURING A NATIONAL EMERGENCY.—

14 (1) IN GENERAL.—Part G of title IV of the
15 Higher Education Act of 1965 (20 U.S.C. 1088 et
16 seq.) is amended by inserting after section 493D the
17 following:

18 **“SEC. 493E. PAYMENTS FOR STUDENT LOAN BORROWERS**

19 **DURING A NATIONAL EMERGENCY.**

20 “(a) DEFINITIONS.—In this section:

21 “(1) CORONAVIRUS.—The term ‘coronavirus’
22 has the meaning given the term in section 506 of the
23 Coronavirus Preparedness and Response Supple-
24 mental Appropriations Act, 2020 (Public Law 116–
25 123).

1 “(2) INCOME-DRIVEN REPAYMENT.—The term
2 ‘income-driven repayment’ means—

3 “(A) income-based repayment authorized
4 under section 493C for loans made, insured, or
5 guaranteed under part B or part D; or

6 “(B) income contingent repayment author-
7 ized under section 455(e) for loans made under
8 part D.

9 “(3) INVOLUNTARY COLLECTION.—The term
10 ‘involuntary collection’ means—

11 “(A) a wage garnishment authorized under
12 section 488A of this Act or section 3720D of
13 title 31, United States Code;

14 “(B) a reduction of tax refund by amount
15 of debt authorized under section 3720A of title
16 31, United States Code;

17 “(C) a reduction of any other Federal ben-
18 efit payment by administrative offset authorized
19 under section 3716 of title 31, United States
20 Code (including a benefit payment due to an in-
21 dividual under the Social Security Act or any
22 other provision described in subsection
23 (c)(3)(A)(i) of such section); and

24 “(D) any other involuntary collection activ-
25 ity.

1 “(4) NATIONAL EMERGENCY.—The term ‘na-
2 tional emergency’ means—

3 “(A) a public health emergency related to
4 the coronavirus that is declared by the Sec-
5 retary of Health and Human Services pursuant
6 to section 319 of the Public Health Service Act
7 (42 U.S.C. 247d); or

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

12 “(b) NATIONAL EMERGENCY STUDENT LOAN RE-
13 PAYMENT ASSISTANCE.—

14 “(1) AUTHORITY.—Beginning on the date of
15 enactment of the Take Responsibility for Workers
16 and Families Act, in the event of a national emer-
17 gency, the Secretary shall, for each month during
18 the national emergency period and for each borrower
19 of a loan made, insured, or guaranteed under part
20 B, D, or E, pay the total amount due for such
21 month on the loan, based on the payment plan se-
22 lected by the borrower or the borrower’s loan status.

23 “(2) NO CAPITALIZATION OF INTEREST.—With
24 respect to any loan in repayment during a national
25 emergency period, interest due on loans made, in-

1 sured, or guaranteed under part B, D, or E during
2 such period shall not be capitalized at any time dur-
3 ing the national emergency.

4 “(3) APPLICABILITY OF PAYMENTS.—Any pay-
5 ment made by the Secretary under this section shall
6 be considered by the Secretary, or by a lender with
7 respect to a loan made, insured, or guaranteed
8 under part B—

9 “(A) as a qualifying payment under the
10 public service loan forgiveness program under
11 section 455(m), if the borrower would otherwise
12 qualify under such section;

13 “(B) in the case of a borrower enrolled in
14 an income-driven repayment plan, as a quali-
15 fying payment for the purpose of calculating eli-
16 gibility for loan forgiveness for the borrower in
17 accordance with section 493C(b)(7) or section
18 455(d)(1)(D), as the case may be; and

19 “(C) in the case of a borrower in default,
20 as an on-time monthly payment for purposes of
21 loan rehabilitation pursuant to section 428F(a).

22 “(4) REPORTING TO CONSUMER REPORTING
23 AGENCIES.—During the period in which the Sec-
24 retary is making payments on a loan under para-
25 graph (1), the Secretary shall ensure that, for the

1 purpose of reporting information about the loan to
2 a consumer reporting agency, any payment made by
3 the Secretary is treated as if it were a regularly
4 scheduled payment made by a borrower.

5 “(5) NOTICE OF PAYMENTS AND PROGRAM.—

6 Not later than 15 days following the date of enact-
7 ment of the COVID–19 Pandemic Education Relief
8 Act of 2020, and monthly thereafter during the pe-
9 riod of a national emergency, the Secretary shall
10 provide a notice to all borrowers of loans made, in-
11 sured, or guaranteed under part B, D, or E—

12 “(A) informing borrowers of the actions

13 taken under this section;

14 “(B) providing borrowers with an easily

15 accessible method to opt out of the benefits pro-
16 vided under this section; and

17 “(C) notifying the borrower that the pro-

18 gram under this section is a temporary program
19 and will end after the national emergency ends.

20 “(6) SUSPENSION OF INVOLUNTARY COLLEC-

21 TION.—Beginning on the date of enactment of the
22 Take Responsibility for Workers and Families Act,
23 in the event of a national emergency, the Secretary,
24 or other holder of a loan made, insured, or guaran-
25 teed under part B, D, or E, shall immediately take

1 action to halt all involuntary collection related to the
2 loan until the date on which the national emergency
3 ends.

4 “(c) WAIVER OF INTEREST DURING NATIONAL
5 EMERGENCY.—Notwithstanding any other provision of
6 law, the Secretary shall pay any interest that would other-
7 wise be charged or accrue during a national emergency
8 on any loan made, insured, or guaranteed under part B,
9 D, or E.

10 “(d) TRANSITION PERIOD.—Upon the termination of
11 a national emergency, the Secretary shall carry out a pro-
12 gram to provide for a transition period of 90 days, begin-
13 ning on the day after the last day of the national emer-
14 gency, during which—

15 “(1) the Secretary shall provide not less than 3
16 notices to borrowers indicating when the borrower’s
17 normal payment obligations will resume; and

18 “(2) any missed payments by a borrower under
19 part B, D, or E shall not—

20 “(A) result in fees or penalties; or

21 “(B) be reported to any consumer report-
22 ing agency or otherwise impact the borrower’s
23 credit history.

24 “(e) IMPLEMENTATION IN FFEL ENTITIES.—To fa-
25 cilitate implementation of this section—

1 “(1) lenders and guaranty agencies holding
2 loans made, insured, or guaranteed under part B
3 shall report, to the satisfaction of the Secretary, in-
4 formation to verify at the borrower level the amount
5 of payments made under this section; and

6 “(2) the Secretary shall have the authority to
7 establish a payment schedule for purposes of this
8 section for loans made, insured, or guaranteed under
9 part B and not held by the Secretary.

10 “(f) WAIVERS.—In carrying out this section, the Sec-
11 retary may waive the application of—

12 “(1) subchapter I of chapter 35 of title 44,
13 United States Code;

14 “(2) the master calendar requirements under
15 section 482;

16 “(3) negotiated rulemaking under section 492;
17 and

18 “(4) the requirement to publish the notices re-
19 lated to the system of records of the agency before
20 implementation required under paragraphs (4) and
21 (11) of section 552a(e) of title 5, United States
22 Code (commonly known as the ‘Privacy Act of
23 1974’), except that the notices shall be published not
24 later than 180 days after the date of enactment of

1 the Take Responsibility for Workers and Families
2 Act.”.

3 (2) FFEL AMENDMENT.—Section 428(c)(8) of
4 the Higher Education Act of 1965 (20 U.S.C.
5 1078(c)(8)) is amended by striking “and for which”
6 and all that follows through “this subsection”.

7 (3) APPLICABILITY.—The requirement of the
8 Secretary to make payments under section 493E of
9 the Higher Education Act of 1965, as added by
10 paragraph 1, shall apply to payments due after the
11 date of enactment of this Act.

12 (b) MINIMUM RELIEF FOR STUDENT LOAN BOR-
13 ROWERS AS A RESULT OF A NATIONAL EMERGENCY.—
14 Part G of title IV the Higher Education Act of 1965 (20
15 U.S.C. 1088 et seq.), as amended by subsection (a), is
16 further amended by inserting after section 493E the fol-
17 lowing:

18 **“SEC. 493F. MINIMUM RELIEF FOR STUDENT LOAN BOR-**
19 **ROWERS AS A RESULT OF A NATIONAL EMER-**
20 **GENCY.**

21 “(a) MINIMUM STUDENT LOAN RELIEF AS A RESULT
22 OF A NATIONAL EMERGENCY.—Not later than 90 days
23 after the conclusion of a national emergency (as defined
24 in section 493E), the Secretary shall, for each borrower
25 of a loan made under part B, D, or E, reduce the total

1 outstanding balance due on all such loans of the borrower,
2 by an amount equal to the lesser of—

3 “(1) the difference between \$10,000 and the
4 total amount of payments made by the Secretary
5 under section 493E(b) on such loans of the borrower
6 during the period of such national emergency; or

7 “(2) the total amount of outstanding principal
8 and interest due on such loans of the borrower, as
9 of the date of the calculation under this subsection.

10 “(b) DATA TO IMPLEMENT.—Contractors of the Sec-
11 retary and lenders and guaranty agencies holding loans
12 made, insured, or guaranteed under part B shall report,
13 to the satisfaction of the Secretary, the information nec-
14 essary to calculate the amount to be applied under sub-
15 section (a).”.

16 **SEC. 100116. RULE OF CONSTRUCTION.**

17 Except as otherwise provided in this Act or the
18 amendments made by this Act, nothing in this Act shall
19 be construed to provide additional authority to the Sec-
20 retary of Education to waive any provision of the fol-
21 lowing:

22 (1) The Elementary and Secondary Education
23 Act of 1965 (20 U.S.C. 6301 et seq.).

24 (2) The Individuals with Disabilities Education
25 Act (20 U.S.C. 1400 et seq.).

1 Community Service Act of 1990 (42 U.S.C.
2 12601 et seq.)—

3 (i) who is performing limited service
4 due to COVID–19; or

5 (ii) whose position has been suspended
6 or placed on hold due to COVID–19.

7 (2) PROVISIONS IN CASE OF EARLY EXIT.—In
8 any case where an individual serving in a position el-
9 igible for an educational award under subtitle D of
10 title I of the National and Community Service Act
11 of 1990 (42 U.S.C. 12601 et seq.) was required to
12 exit the position early at the direction of the Cor-
13 poration for National and Community Service, the
14 Chief Executive Officer of the Corporation for Na-
15 tional and Community Service may—

16 (A) deem such individual as having met
17 the requirements of the position; and

18 (B) award the individual the full value of
19 the educational award under such subtitle for
20 which the individual would otherwise have been
21 eligible.

22 (b) NO REQUIRED RETURN OF GRANT FUNDS.—
23 Notwithstanding section 129(l)(3)(A)(i) of the National
24 and Community Service Act of 1990 (42 U.S.C.
25 12581(l)(3)(A)(i)), the Chief Executive Officer of the Cor-

1 poration for National and Community Service may permit
2 fixed-amount grant recipients under such section 129(l)
3 to maintain a pro rata amount of grant funds, at the dis-
4 cretion of the Corporation for National and Community
5 Service, for participants who exited, were suspended, or
6 are serving in a limited capacity due to COVID–19, to
7 enable the grant recipients to maintain operations and to
8 accept participants.

9 (c) EXTENSION OF TERMS AND AGE LIMITS.—Not-
10 withstanding any other provision of law, the Corporation
11 for National and Community Service may extend the term
12 of service (for a period not to exceed the 1-year period
13 immediately following the end of the national emergency)
14 or waive any upper age limit (except in no case shall the
15 maximum age exceed 26 years of age) for national service
16 programs carried out by the National Civilian Community
17 Corps under subtitle E of title I of the National and Com-
18 munity Service Act of 1990 (42 U.S.C. 12611 et seq.),
19 and the participants in such programs, for the purposes
20 of—

21 (1) addressing disruptions due to COVID–19;

22 and

23 (2) minimizing the difficulty in returning to full
24 operation due to COVID–19 on such programs and
25 participants.

1 **DIVISION K—AGRICULTURE**
2 **PROVISIONS**
3 **TITLE I—COMMODITY SUPPORT**
4 **AND OTHER AGRICULTURE**
5 **PROGRAMS**

6 **SEC. 110101. SUPPLEMENTAL DAIRY MARGIN COVERAGE.**

7 (a) **IN GENERAL.**—Of the funds of the Commodity
8 Credit Corporation, the Secretary of Agriculture shall pro-
9 vide supplemental dairy margin coverage payments to eli-
10 gible dairy operations described in subsection (b) whenever
11 the average actual dairy production margin (as defined in
12 section 1401 of the Agricultural Act of 2014 (7 U.S.C.
13 9051)) for a month is less than the coverage level thresh-
14 old selected by such eligible dairy operation under such
15 section 1406.

16 (b) **ELIGIBLE DAIRY OPERATION DESCRIBED.**—An
17 eligible dairy operation described in this subsection is a
18 participating dairy operation (as defined in section 1401
19 of the Agricultural Act of 2014 (7 U.S.C. 9051)) that—

20 (1) is located in the United States; and

21 (2) on the date of the enactment of this section,
22 had a production history established under the dairy
23 margin coverage program described in section 1405
24 of the Agricultural Act of 2014 (7 U.S.C. 9055) of

1 less than 5 million pounds, as determined in accord-
2 ance with subsection (c) of that Act.

3 (c) SUPPLEMENTAL PRODUCTION HISTORY CAL-
4 CULATION.—For purposes of determining the production
5 history of an eligible dairy operation under this subsection,
6 such an operation’s production history shall be equal to—

7 (1) the production volume of such dairy oper-
8 ation for the 2019 milk marketing year; minus

9 (2) the production history of such dairy oper-
10 ation established under section 1405 of the Agricul-
11 tural Act of 2014 (7 U.S.C. 9055).

12 (d) COVERAGE PERCENTAGE.—

13 (1) IN GENERAL.—For purposes of calculating
14 payments to be issued under this section, an eligible
15 dairy operation’s coverage percentage shall be equal
16 to the coverage percentage selected by such eligible
17 dairy operation under section 1406 of the Agricul-
18 tural Act of 2014 (7 U.S.C. 9056).

19 (2) 5-MILLION POUND LIMITATION.—

20 (A) IN GENERAL.—The Secretary shall not
21 provide supplemental dairy margin coverage on
22 a dairy operation’s actual production for cal-
23 endar year 2019 such that the total covered
24 production history of the operation exceeds 5
25 million pounds.

1 (B) DETERMINATION OF AMOUNT.—In cal-
2 culating the total covered production history of
3 a dairy operation under subparagraph (A), the
4 Secretary shall multiply the coverage percentage
5 selected under section 1406 of the Agricultural
6 Act of 2014 (7 U.S.C. 9056) by the sum of—

7 (i) The supplemental production his-
8 tory calculated under subsection (c) with
9 respect to such dairy operation; and

10 (ii) The dairy margin coverage pro-
11 duction history described in subsection
12 (c)(2) with respect to such dairy operation.

13 (e) PREMIUM COST.—The premium cost for an eligi-
14 ble dairy operation under this section shall be equal to
15 the product of multiplying—

16 (1) the Tier I premium cost calculated under
17 section 1407(b) of the Agricultural Act of 2014 (7
18 U.S.C. 9057(b)); by

19 (2) the production history calculation deter-
20 mined under subsection (c) (such that total covered
21 production history does not exceed 5 million
22 pounds).

23 (f) REGULATIONS.—Not later than 45 days after the
24 date of the enactment of this section, the Secretary shall
25 issue regulations to carry out this section.

1 (g) RETROACTIVITY.—The authority to carry out this
2 section shall begin on January 1, 2020.

3 **SEC. 110102. TARGETED PURCHASES.**

4 (a) IN GENERAL.—The Secretary of Agriculture shall
5 utilize not less than \$300,000,000 of the funds available
6 under section 32 of the Act of August 24, 1935 (7 U.S.C.
7 612c) to purchase qualified agricultural products for the
8 purpose of donating the products to food assistance pro-
9 grams, including the Emergency Food Assistance Pro-
10 gram, of which the Secretary shall utilize—

11 (1) not less than \$150,000,000 to purchase spe-
12 cialty crops;

13 (2) not less than \$75,000,000 to purchase
14 dairy; and

15 (3) not less than \$75,000,000 to purchase meat
16 and poultry products.

17 (b) QUALIFIED AGRICULTURAL PRODUCT DE-
18 FINED.—In this section, the term “qualified agricultural
19 product” means a dairy, meat, or poultry product, or a
20 specialty crop—

21 (1) that was packaged or marketed for sale to
22 commercial or food service industries;

23 (2) for which decreased demand exists for such
24 a product due to the COVID–19 outbreak; and

1 (3) the repurposing of which would be imprac-
2 tical for grocery or retail sale.

3 **TITLE II—SUPPLEMENTAL NU-**
4 **TRITION ASSISTANCE PRO-**
5 **GRAM**

6 **SEC. 110201. SNAP FUNDING.**

7 There are hereby appropriated to the Secretary of
8 Agriculture, out of any money in the Treasury not other-
9 wise appropriated, such sums as maybe necessary to carry
10 out this title and sections 2301 and 2302 of the Families
11 First Coronavirus Response Act (Public Law 116–127).

12 **SEC. 110202. SNAP ALLOTMENTS.**

13 (a) NUTRITION ASSISTANCE ALLOTMENT
14 AMOUNT.—

15 (1) VALUE OF BENEFITS.—Notwithstanding
16 any other provision of law, beginning on May 1,
17 2020, the value of benefits determined under section
18 8(a) of the Food and Nutrition Act of 2008 (7
19 U.S.C. 2017(a)), and consolidated block grants for
20 Puerto Rico and American Samoa determined under
21 section 19(a) of such Act (7 U.S.C. 2028(a)), shall
22 be calculated using 115 percent of the June 2019
23 value of the thrifty food plan (as defined in section
24 3 of such Act (7 U.S.C. 2012)) if the value of the
25 benefits and block grants would be greater under

1 that calculation than in the absence of this para-
2 graph.

3 (2) MINIMUM AMOUNT.—

4 (A) IN GENERAL.—The minimum value of
5 benefits determined under section 8(a) of the
6 Food and Nutrition Act of 2008 (7 U.S.C.
7 2017(a)) for a household of not more than 2
8 members shall be \$30.

9 (B) EFFECTIVENESS.—Subparagraph (A)
10 shall remain in effect until the date on which 8
11 percent of the value of the thrifty food plan for
12 a household containing 1 member, rounded to
13 the nearest whole dollar increment, is equal to
14 or greater than \$30.

15 (b) REQUIREMENTS FOR THE SECRETARY.—In car-
16 rying out this section, the Secretary shall—

17 (1) consider the benefit increases described in
18 subsection (a) to be a “mass change”;

19 (2) require a simple process for States to notify
20 households of the increase in benefits;

21 (3) not include any errors in the implementa-
22 tion of this section in the payment error rate cal-
23 culated under section 16(c) of the Food and Nutri-
24 tion Act of 2008 (7 U.S.C. 2025(c));

1 (4) disregard the additional amount of benefits
2 that a household receives as a result of this section
3 in determining the amount of overissuances under
4 section 13 of the Food and Nutrition Act of 2008
5 (7 U.S.C. 2022); and

6 (5) set the tolerance level for excluding small
7 errors for the purposes of section 16(c) of the Food
8 and Nutrition Act of 2008 (7 U.S.C. 2025(c)) at
9 \$50 through September 30, 2021.

10 (c) ADMINISTRATIVE EXPENSES.—

11 (1) IN GENERAL.—For the costs of State ad-
12 ministrative expenses associated with carrying out
13 this section and administering the supplemental nu-
14 trition assistance program established under the
15 Food and Nutrition Act of 2008 (7 U.S.C. 2011 et
16 seq.), the Secretary of Agriculture shall make avail-
17 able \$150,000,000 for fiscal year 2020 and
18 \$150,000,000 for fiscal year 2021.

19 (2) TIMING FOR FISCAL YEAR 2020.—Not later
20 than 60 days after the date of the enactment of this
21 section, the Secretary shall make available to States
22 amounts for fiscal year 2020 under paragraph (1).

23 (3) ALLOCATION OF FUNDS.—Funds described
24 in paragraph (1) shall be made available as grants
25 to State agencies for each fiscal year as follows:

1 (A) 75 percent of the amounts available
2 for each fiscal year shall be allocated to States
3 based on the share of each State of households
4 that participate in the supplemental nutrition
5 assistance program as reported to the Depart-
6 ment of Agriculture for the most recent 12-
7 month period for which data are available, ad-
8 justed by the Secretary (as of the date of the
9 enactment of this section) for participation in
10 disaster programs under section 5(h) of the
11 Food and Nutrition Act of 2008 (7 U.S.C.
12 2014(h)); and

13 (B) 25 percent of the amounts available
14 for each fiscal year shall be allocated to States
15 based on the increase in the number of house-
16 holds that participate in the supplemental nu-
17 trition assistance program as reported to the
18 Department of Agriculture over the most recent
19 12-month period for which data are available,
20 adjusted by the Secretary (as of the date of the
21 enactment of this section) for participation in
22 disaster programs under section 5(h) of the
23 Food and Nutrition Act of 2008 (7 U.S.C.
24 2014(h)).

1 **SEC. 110203. SNAP RULES.**

2 No funds (including fees) made available under this
3 Act or any other Act for any fiscal year may be used to
4 finalize, implement, administer, enforce, carry out, or oth-
5 erwise give effect to—

6 (1) the final rule entitled “Supplemental Nutri-
7 tion Assistance Program: Requirements for Able-
8 Bodied Adults Without Dependents” published in
9 the Federal Register on December 5, 2019 (84 Fed.
10 Reg. 66782);

11 (2) the proposed rule entitled “Revision of Cat-
12 egorical Eligibility in the Supplemental Nutrition
13 Assistance Program (SNAP)” published in the Fed-
14 eral Register on July 24, 2019 (84 Fed. Reg.
15 35570); or

16 (3) the proposed rule entitled “Supplemental
17 Nutrition Assistance Program: Standardization of
18 State Heating and Cooling Standard Utility Allow-
19 ances” published in the Federal Register on October
20 3, 2019 (84 Fed. Reg. 52809).

21 **SEC. 110204. SNAP HOT FOOD PURCHASES.**

22 During the period beginning 10 days after the date
23 of the enactment of this Act and ending on the termi-
24 nation date of the public health emergency declaration
25 made by the Secretary of Health and Human Services
26 under section 319 of the Public Health Service Act based

1 on an outbreak of coronavirus disease 2019 (COVID–19),
2 the term “food”, as defined in section 3 of the Food and
3 Nutrition Act of 2008 (7 U.S.C. 2012), shall be deemed
4 to exclude “hot foods or hot food products ready for imme-
5 diate consumption other than those authorized pursuant
6 to clauses (3), (4), (5), (7), (8), and (9) of this sub-
7 section,” for purposes of such Act, except that such exclu-
8 sion is limited to retail food stores authorized to accept
9 and redeem supplemental nutrition assistance program
10 benefits as of the date of enactment of this Act.

11 **SEC. 110205. FOOD DISTRIBUTION PROGRAM ON INDIAN**
12 **RESERVATIONS.**

13 Any funds provided in the Third Coronavirus Pre-
14 paredness and Response Supplemental Appropriations
15 Act, 2020 for the Food Distribution Program on Indian
16 Reservations, as authorized by section 4(b) of the Food
17 and Nutrition Act of 2008 (7 U.S.C. 2013(b)), are not
18 subject to the payment of the non-Federal share require-
19 ment described in section 4(b)(4)(A) of the Food and Nu-
20 trition Act of 2008 (7 U.S.C. 2013(b)(4)(A)).

21 **DIVISION L—ACCESS ACT**

22 **SEC. 120001. SHORT TITLE.**

23 This division may be cited as the “American
24 Coronavirus/COVID–19 Election Safety and Security
25 Act” or the “ACCESS Act”.

1 **SEC. 120002. REQUIREMENTS FOR FEDERAL ELECTION**
2 **CONTINGENCY PLANS IN RESPONSE TO NAT-**
3 **URAL DISASTERS AND EMERGENCIES.**

4 (a) IN GENERAL.—

5 (1) ESTABLISHMENT.—Not later than 30 days
6 after the date of the enactment of this Act, each
7 State and each jurisdiction in a State which is re-
8 sponsible for administering elections for Federal of-
9 fice shall establish and make publicly available a
10 contingency plan to enable individuals to vote in
11 elections for Federal office during a state of emer-
12 gency, public health emergency, or national emer-
13 gency which has been declared for reasons includ-
14 ing—

15 (A) a natural disaster; or

16 (B) an infectious disease.

17 (2) UPDATING.—Each State and jurisdiction
18 shall update the contingency plan established under
19 this subsection not less frequently than every 5
20 years.

21 (b) REQUIREMENTS RELATING TO SAFETY.—The
22 contingency plan established under subsection (a) shall in-
23 clude initiatives to provide equipment and resources need-
24 ed to protect the health and safety of poll workers and
25 voters when voting in person.

1 (c) REQUIREMENTS RELATING TO RECRUITMENT OF
2 POLL WORKERS.—The contingency plan established
3 under subsection (a) shall include initiatives by the chief
4 State election official and local election officials to recruit
5 poll workers from resilient or unaffected populations,
6 which may include—

7 (1) employees of other State and local govern-
8 ment offices; and

9 (2) in the case in which an infectious disease
10 poses significant increased health risks to elderly in-
11 dividuals, students of secondary schools and institu-
12 tions of higher education in the State.

13 (d) STATE.—For purposes of this section, the term
14 “State” includes the District of Columbia, the Common-
15 wealth of Puerto Rico, Guam, American Samoa, the
16 United States Virgin Islands, and the Commonwealth of
17 the Northern Mariana Islands.

18 (e) ENFORCEMENT.—

19 (1) ATTORNEY GENERAL.—The Attorney Gen-
20 eral may bring a civil action against any State or ju-
21 risdiction in an appropriate United States District
22 Court for such declaratory and injunctive relief (in-
23 cluding a temporary restraining order, a permanent
24 or temporary injunction, or other order) as may be

1 necessary to carry out the requirements of this sec-
2 tion.

3 (2) PRIVATE RIGHT OF ACTION.—

4 (A) IN GENERAL.—In the case of a viola-
5 tion of this section, any person who is aggrieved
6 by such violation may provide written notice of
7 the violation to the chief election official of the
8 State involved.

9 (B) RELIEF.—If the violation is not cor-
10 rected within 20 days after receipt of a notice
11 under subparagraph (A), or within 5 days after
12 receipt of the notice if the violation occurred
13 within 120 days before the date of an election
14 for Federal office, the aggrieved person may, in
15 a civil action, obtain declaratory or injunctive
16 relief with respect to the violation.

17 (C) SPECIAL RULE.—If the violation oc-
18 curred within 5 days before the date of an elec-
19 tion for Federal office, the aggrieved person
20 need not provide notice to the chief election of-
21 ficial of the State involved under subparagraph
22 (A) before bringing a civil action under sub-
23 paragraph (B).

24 (f) EFFECTIVE DATE.—This section shall apply with
25 respect to the regularly scheduled general election for Fed-

1 eral office held in November 2020 and each succeeding
2 election for Federal office.

3 **SEC. 120003. EARLY VOTING AND VOTING BY MAIL.**

4 (a) REQUIREMENTS.—Title III of the Help America
5 Vote Act of 2002 (52 U.S.C. 21081 et seq.) is amended
6 by adding at the end the following new subtitle:

7 **“Subtitle C—Other Requirements**

8 **“SEC. 321. EARLY VOTING.**

9 “(a) REQUIRING ALLOWING VOTING PRIOR TO DATE
10 OF ELECTION.—

11 “(1) IN GENERAL.—Each State shall allow indi-
12 viduals to vote in an election for Federal office dur-
13 ing an early voting period which occurs prior to the
14 date of the election, in the same manner as voting
15 is allowed on such date.

16 “(2) LENGTH OF PERIOD.—The early voting
17 period required under this subsection with respect to
18 an election shall consist of a period of consecutive
19 days (including weekends) which begins on the 15th
20 day before the date of the election (or, at the option
21 of the State, on a day prior to the 15th day before
22 the date of the election) and ends on the date of the
23 election.

1 “(b) MINIMUM EARLY VOTING REQUIREMENTS.—

2 Each polling place which allows voting during an early vot-
3 ing period under subsection (a) shall—

4 “(1) allow such voting for no less than 10 hours
5 on each day;

6 “(2) have uniform hours each day for which
7 such voting occurs; and

8 “(3) allow such voting to be held for some pe-
9 riod of time prior to 9:00 a.m (local time) and some
10 period of time after 5:00 p.m. (local time).

11 “(c) LOCATION OF POLLING PLACES.—

12 “(1) PROXIMITY TO PUBLIC TRANSPOR-
13 TATION.—To the greatest extent practicable, a State
14 shall ensure that each polling place which allows vot-
15 ing during an early voting period under subsection
16 (a) is located within walking distance of a stop on
17 a public transportation route.

18 “(2) AVAILABILITY IN RURAL AREAS.—The
19 State shall ensure that polling places which allow
20 voting during an early voting period under sub-
21 section (a) will be located in rural areas of the State,
22 and shall ensure that such polling places are located
23 in communities which will provide the greatest op-
24 portunity for residents of rural areas to vote during
25 the early voting period.

1 “(d) STANDARDS.—

2 “(1) IN GENERAL.—The Commission shall issue
3 standards for the administration of voting prior to
4 the day scheduled for a Federal election. Such
5 standards shall include the nondiscriminatory geo-
6 graphic placement of polling places at which such
7 voting occurs.

8 “(2) DEVIATION.—The standards described in
9 paragraph (1) shall permit States, upon providing
10 adequate public notice, to deviate from any require-
11 ment in the case of unforeseen circumstances such
12 as a natural disaster, terrorist attack, or a change
13 in voter turnout.

14 “(e) BALLOT PROCESSING AND SCANNING REQUIRE-
15 MENTS.—

16 “(1) IN GENERAL.—The State shall begin proc-
17 essing and scanning ballots cast during early voting
18 for tabulation at least 14 days prior to the date of
19 the election involved.

20 “(2) LIMITATION.—Nothing in this subsection
21 shall be construed to permit a State to tabulate bal-
22 lots in an election before the closing of the polls on
23 the date of the election.

24 “(f) EFFECTIVE DATE.—This section shall apply
25 with respect to the regularly scheduled general election for

1 Federal office held in November 2020 and each succeeding
2 election for Federal office.

3 **“SEC. 322. PROMOTING ABILITY OF VOTERS TO VOTE BY**
4 **MAIL.**

5 “(a) UNIFORM AVAILABILITY OF ABSENTEE VOTING
6 TO ALL VOTERS.—

7 “(1) IN GENERAL.—If an individual in a State
8 is eligible to cast a vote in an election for Federal
9 office, the State may not impose any additional con-
10 ditions or requirements on the eligibility of the indi-
11 vidual to cast the vote in such election by absentee
12 ballot by mail, including—

13 “(A) requiring any form of identification
14 as a condition of obtaining the absentee ballot;
15 or

16 “(B) requiring notarization or witness sig-
17 nature or other formal authentication (other
18 than voter attestation) as a condition of the ac-
19 ceptance of the ballot by an election official.

20 “(2) PERMITTING CERTAIN REQUIREMENTS.—
21 Notwithstanding paragraph (1)—

22 “(A) a State shall require an individual to
23 meet signature verification in accordance with
24 subsection (b); and

1 “(B) the State may impose a deadline for
2 requesting the ballot and related voting mate-
3 rials from the appropriate State or local elec-
4 tion official and for returning the ballot to the
5 appropriate State or local election official.

6 “(b) REQUIRING SIGNATURE VERIFICATION.—

7 “(1) REQUIREMENT.—A State may not accept
8 and process an absentee ballot submitted by any in-
9 dividual with respect to an election for Federal office
10 unless the State verifies the identification of the in-
11 dividual by comparing the individual’s signature on
12 the absentee ballot with the individual’s signature on
13 the official list of registered voters in the State, in
14 accordance with such procedures as the State may
15 adopt (subject to the requirements of paragraph
16 (2)).

17 “(2) DUE PROCESS REQUIREMENTS.—

18 “(A) NOTICE AND OPPORTUNITY TO CURE
19 DISCREPANCY.—If an individual submits an ab-
20 sentee ballot and the appropriate State or local
21 election official determines that a discrepancy
22 exists between the signature on such ballot and
23 the signature of such individual on the official
24 list of registered voters in the State, such elec-
25 tion official, prior to making a final determina-

1 tion as to the validity of such ballot, shall make
2 a good faith effort to immediately notify such
3 individual by mail, telephone, and (if available)
4 electronic mail that—

5 “(i) a discrepancy exists between the
6 signature on such ballot and the signature
7 of such individual on the official list of reg-
8 istered voters in the State;

9 “(ii) such individual may provide the
10 official with information to cure such dis-
11 crepancy, either in person, by telephone, or
12 by electronic methods; and

13 “(iii) if such discrepancy is not cured
14 prior to the expiration of the 7-day period
15 which begins on the date of the election,
16 such ballot will not be counted.

17 “(B) OPPORTUNITY TO PROVIDE MISSING
18 SIGNATURE.—If an individual submits an ab-
19 sentee ballot without a signature, the State
20 shall notify the individual and give the indi-
21 vidual an opportunity to provide the missing
22 signature on a form proscribed by the State.

23 “(C) OTHER REQUIREMENTS.—An election
24 official may not make a determination that a
25 discrepancy exists between the signature on an

1 absentee ballot and the signature of the indi-
2 vidual who submits the ballot on the official list
3 of registered voters in the State unless—

4 “(i) at least 2 election officials make
5 the determination; and

6 “(ii) each official who makes the de-
7 termination has received training in proce-
8 dures used to verify signatures.

9 “(3) REPORT.—

10 “(A) IN GENERAL.—Not later than 120
11 days after the end of a Federal election cycle,
12 each chief State election official shall submit to
13 Congress a report containing the following in-
14 formation for the applicable Federal election
15 cycle in the State:

16 “(i) The number of ballots invalidated
17 due to a discrepancy under this subsection.

18 “(ii) Description of attempts to con-
19 tact voters to provide notice as required by
20 this subsection.

21 “(iii) Description of the cure process
22 developed by such State pursuant to this
23 subsection, including the number of ballots
24 determined valid as a result of such pro-
25 cess.

1 “(B) FEDERAL ELECTION CYCLE DE-
2 FINED.—For purposes of this subsection, the
3 term ‘Federal election cycle’ means the period
4 beginning on January 1 of any odd numbered
5 year and ending on December 31 of the fol-
6 lowing year.

7 “(c) METHODS AND TIMING FOR TRANSMISSION OF
8 BALLOTS AND BALLOTING MATERIALS TO VOTERS.—

9 “(1) METHOD FOR REQUESTING BALLOT.—In
10 addition to such other methods as the State may es-
11 tablish for an individual to request an absentee bal-
12 lot, the State shall permit an individual to submit a
13 request for an absentee ballot online. The State shall
14 be considered to meet the requirements of this para-
15 graph if the website of the appropriate State or local
16 election official allows an absentee ballot request ap-
17 plication to be completed and submitted online and
18 if the website permits the individual—

19 “(A) to print the application so that the
20 individual may complete the application and re-
21 turn it to the official; or

22 “(B) request that a paper copy of the ap-
23 plication be transmitted to the individual by
24 mail or electronic mail so that the individual

1 may complete the application and return it to
2 the official.

3 “(2) ENSURING DELIVERY PRIOR TO ELEC-
4 TION.—If an individual requests to vote by absentee
5 ballot in an election for Federal office, the appro-
6 priate State or local election official shall ensure
7 that the ballot and relating voting materials are re-
8 ceived by the individual prior to the date of the elec-
9 tion so long as the individual’s request is received by
10 the official not later than 5 days (excluding Satur-
11 days, Sundays, and legal public holidays) before the
12 date of the election, except that nothing in this para-
13 graph shall preclude a State or local jurisdiction
14 from allowing for the acceptance and processing of
15 ballot requests submitted or received after such re-
16 quired period.

17 “(3) SPECIAL RULES IN CASE OF EMERGENCY
18 PERIODS.—

19 “(A) AUTOMATIC MAILING OF ABSENTEE
20 BALLOTS TO ALL VOTERS.—If the area in which
21 an election is held is in an area in which an
22 emergency or disaster which is described in sub-
23 paragraph (A) or (B) of section 1135(g)(1) of
24 the Social Security Act (42 U.S.C. 1320b—

1 5(g)(1)) is declared during the period described
2 in subparagraph (C)—

3 “(i) paragraphs (1) and (2) shall not
4 apply with respect to the election; and

5 “(ii) not later than 2 weeks before the
6 date of the election, the appropriate State
7 or local election official shall transmit ab-
8 sentee ballots and balloting materials for
9 the election to all individuals who are reg-
10 istered to vote in such election.

11 “(B) AFFIRMATION.—If an individual re-
12 ceives an absentee ballot from a State or local
13 election official pursuant to subparagraph (A)
14 and returns the voted ballot to the official, the
15 ballot shall not be counted in the election unless
16 the individual includes with the ballot a signed
17 affirmation that—

18 “(i) the individual has not and will
19 not cast another ballot with respect to the
20 election; and

21 “(ii) acknowledges that a material
22 misstatement of fact in completing the bal-
23 lot may constitute grounds for conviction
24 of perjury.

1 “(C) PERIOD DESCRIBED.—The period de-
2 scribed in this subparagraph with respect to an
3 election is the period which begins 120 days be-
4 fore the date of the election and ends 30 days
5 before the date of the election.

6 “(D) APPLICATION TO NOVEMBER 2020
7 GENERAL ELECTION.—Because of the public
8 health emergency declared pursuant to section
9 319 of the Public Health Service Act (42
10 U.S.C. 247d) resulting from the COVID-19
11 pandemic, the special rules set forth in this
12 paragraph shall apply with respect to the regu-
13 larly scheduled general election for Federal of-
14 fice held in November 2020 in each State.

15 “(d) ACCESSIBILITY FOR INDIVIDUALS WITH DIS-
16 ABILITIES.—The State shall ensure that all absentee bal-
17 lots and related voting materials in elections for Federal
18 office are accessible to individuals with disabilities in a
19 manner that provides the same opportunity for access and
20 participation (including with privacy and independence) as
21 for other voters.

22 “(e) REQUIREMENTS FOR ENVELOPES.—

23 “(1) PREPAYMENT OF POSTAGE.—Consistent
24 with regulations of the United States Postal Service,
25 the State or the unit of local government responsible

1 for the administration of an election for Federal of-
2 fice shall prepay the postage on any ballot in the
3 election which is cast by mail.

4 “(2) USE OF SELF-SEALING ENVELOPE.—The
5 State or unit of local government shall provide with
6 any absentee ballot transmitted to a voter by mail
7 a self-sealing return envelope.

8 “(f) UNIFORM DEADLINE FOR ACCEPTANCE OF
9 MAILED BALLOTS.—If a ballot submitted by an individual
10 by mail with respect to an election for Federal office in
11 a State is postmarked on or before the date of the election,
12 the State may not refuse to accept or process the ballot
13 on the grounds that the individual did not meet a deadline
14 for returning the ballot to the appropriate State or local
15 election official.

16 “(g) METHODS OF RETURNING BALLOTS.—

17 “(1) IN GENERAL.—The State shall permit an
18 individual to whom a ballot in an election was pro-
19 vided under this section to cast the ballot by deliv-
20 ering the ballot at such times and to such locations
21 as the State may establish, including—

22 “(A) permitting the individual to deliver
23 the ballot to a polling place on the date of the
24 election; and

1 “(B) permitting the individual to deliver
2 the ballot to a designated ballot drop-off loca-
3 tion.

4 “(2) PERMITTING VOTERS TO DESIGNATE
5 OTHER PERSON TO RETURN BALLOT.—The State—

6 “(A) shall permit a voter to designate any
7 person to return a voted and sealed absentee
8 ballot to the post office, a ballot drop-off loca-
9 tion, tribally designated building, or election of-
10 fice so long as the person designated to return
11 the ballot does not receive any form of com-
12 pensation based on the number of ballots that
13 the person has returned and no individual,
14 group, or organization provides compensation
15 on this basis; and

16 “(B) may not put any limit on how many
17 voted and sealed absentee ballots any des-
18 ignated person can return to the post office, a
19 ballot drop off location, tribally designated
20 building, or election office.

21 “(h) BALLOT PROCESSING AND SCANNING REQUIRE-
22 MENTS.—

23 “(1) IN GENERAL.—The State shall begin proc-
24 essing and scanning ballots cast by mail for tabula-

1 tion at least 14 days prior to the date of the election
2 involved.

3 “(2) LIMITATION.—Nothing in this subsection
4 shall be construed to permit a State to tabulate bal-
5 lots in an election before the closing of the polls on
6 the date of the election.

7 “(i) RULE OF CONSTRUCTION.—Nothing in this sec-
8 tion shall be construed to affect the authority of States
9 to conduct elections for Federal office through the use of
10 polling places at which individuals cast ballots.

11 “(j) NO EFFECT ON BALLOTS SUBMITTED BY AB-
12 SENT MILITARY AND OVERSEAS VOTERS; TREATMENT OF
13 BLANK ABSENTEE BALLOTS TRANSMITTED TO CERTAIN
14 VOTERS.—Nothing in this section may be construed to af-
15 fect the treatment of any ballot submitted by an individual
16 who is entitled to vote by absentee ballot under the Uni-
17 formed and Overseas Citizens Absentee Voting Act (52
18 U.S.C. 20301 et seq.), and any blank absentee ballot
19 transmitted to an individual by mail or electronically in
20 accordance with section 102(f) of such Act shall be treated
21 in the same manner as any other absentee ballot for pur-
22 poses of this section.

23 “(k) EFFECTIVE DATE.—This section shall apply
24 with respect to the regularly scheduled general election for

1 Federal office held in November 2020 and each succeeding
2 election for Federal office.

3 **“SEC. 323. ABSENTEE BALLOT TRACKING PROGRAM.**

4 “(a) REQUIREMENT.—Each State shall carry out a
5 program to track and confirm the receipt of absentee bal-
6 lots in an election for Federal office under which the State
7 or local election official responsible for the receipt of voted
8 absentee ballots in the election carries out procedures to
9 track and confirm the receipt of such ballots, and makes
10 information on the receipt of such ballots available to the
11 individual who cast the ballot, by means of online access
12 using the Internet site of the official’s office.

13 “(b) INFORMATION ON WHETHER VOTE WAS
14 COUNTED.—The information referred to under subsection
15 (a) with respect to the receipt of an absentee ballot shall
16 include information regarding whether the vote cast on the
17 ballot was counted, and, in the case of a vote which was
18 not counted, the reasons therefor.

19 “(c) USE OF TOLL-FREE TELEPHONE NUMBER BY
20 OFFICIALS WITHOUT INTERNET SITE.—A program estab-
21 lished by a State or local election official whose office does
22 not have an Internet site may meet the requirements of
23 subsection (a) if the official has established a toll-free tele-
24 phone number that may be used by an individual who cast
25 an absentee ballot to obtain the information on the receipt

1 of the voted absentee ballot as provided under such sub-
2 section.

3 “(d) EFFECTIVE DATE.—This section shall apply
4 with respect to the regularly scheduled general election for
5 Federal office held in November 2020 and each succeeding
6 election for Federal office.

7 **“SEC. 324. RULES FOR COUNTING PROVISIONAL BALLOTS.**

8 “(a) STATEWIDE COUNTING OF PROVISIONAL BAL-
9 LOTS.—

10 “(1) IN GENERAL.—For purposes of section
11 302(a)(4), notwithstanding the precinct or polling
12 place at which a provisional ballot is cast within the
13 State, the appropriate election official shall count
14 each vote on such ballot for each election in which
15 the individual who cast such ballot is eligible to vote.

16 “(2) EFFECTIVE DATE.—This subsection shall
17 apply with respect to the regularly scheduled general
18 election for Federal office held in November 2020
19 and each succeeding election for Federal office.

20 “(b) UNIFORM AND NONDISCRIMINATORY STAND-
21 ARDS.—

22 “(1) IN GENERAL.—Consistent with the re-
23 quirements of section 302, each State shall establish
24 uniform and nondiscriminatory standards for the

1 issuance, handling, and counting of provisional bal-
2 lots.

3 “(2) EFFECTIVE DATE.—This subsection shall
4 apply with respect to the regularly scheduled general
5 election for Federal office held in November 2020
6 and each succeeding election for Federal office.

7 **“SEC. 325. COVERAGE OF COMMONWEALTH OF NORTHERN**
8 **MARIANA ISLANDS.**

9 “In this subtitle, the term ‘State’ includes the Com-
10 monwealth of the Northern Mariana Islands.

11 **“SEC. 326. MINIMUM REQUIREMENTS FOR EXPANDING**
12 **ABILITY OF INDIVIDUALS TO VOTE.**

13 “The requirements of this subtitle are minimum re-
14 quirements, and nothing in this subtitle may be construed
15 to prevent a State from establishing standards which pro-
16 mote the ability of individuals to vote in elections for Fed-
17 eral office, so long as such standards are not inconsistent
18 with the requirements of this subtitle or other Federal
19 laws.”.

20 (b) CONFORMING AMENDMENT RELATING TO
21 ISSUANCE OF VOLUNTARY GUIDANCE BY ELECTION AS-
22 SISTANCE COMMISSION.—Section 311(b) of such Act (52
23 U.S.C. 21101(b)) is amended—

24 (1) by striking “and” at the end of paragraph

25 (2);

1 occurred within 120 days before the date of an election
 2 for Federal office, the aggrieved person may, in a civil ac-
 3 tion, obtain declaratory or injunctive relief with respect
 4 to the violation.

5 “(c) SPECIAL RULE.—If the violation occurred within
 6 5 days before the date of an election for Federal office,
 7 the aggrieved person need not provide notice to the chief
 8 election official of the State involved under subsection (a)
 9 before bringing a civil action under subsection (b).”.

10 (d) CLERICAL AMENDMENT.—The table of contents
 11 of such Act is amended—

12 (1) by adding at the end of the items relating
 13 to title III the following:

“Subtitle C—Other Requirements

“Sec. 321. Early voting.

“Sec. 322. Promoting ability of voters to vote by mail.

“Sec. 323. Absentee ballot tracking program.

“Sec. 324. Rules for counting provisional ballots.

“Sec. 325. Coverage of Commonwealth of Northern Mariana Islands.

“Sec. 326. Minimum requirements for expanding ability of individuals to vote.”;
 and

14 (2) by adding at the end of the items relating
 15 to title IV the following new item:

“Sec. 403. Private right of action for violations of certain requirements.”.

16 **SEC. 120004. POSTAGE-FREE ABSENTEE BALLOTS.**

17 (a) IN GENERAL.—Chapter 34 of title 39, United
 18 States Code, is amended by adding after section 3406 the
 19 following:

1 **“§ 3407. Absentee ballots**

2 “(a) Any absentee ballot for any election for Federal
3 office shall be carried expeditiously, with postage prepaid
4 by the State or unit of local government responsible for
5 the administration of the election.

6 “(b) As used in this section, the term ‘absentee ballot’
7 means any ballot transmitted by a voter by mail in an
8 election for Federal office, but does not include any ballot
9 covered by section 3406.”.

10 (b) CLERICAL AMENDMENT.—The table of sections
11 for chapter 34 of such title is amended by inserting after
12 the item relating to section 3406 the following:

“3407. Absentee ballots carried free of postage.”.

13 **SEC. 120005. REQUIRING TRANSMISSION OF BLANK ABSEN-**
14 **TEE BALLOTS UNDER UOCAVA TO CERTAIN**
15 **VOTERS.**

16 (a) IN GENERAL.—The Uniformed and Overseas
17 Citizens Absentee Voting Act (52 U.S.C. 20301 et seq.)
18 is amended by inserting after section 103B the following
19 new section:

20 **“SEC. 103C. TRANSMISSION OF BLANK ABSENTEE BALLOTS**
21 **TO CERTAIN OTHER VOTERS.**

22 “(a) IN GENERAL.—

23 “(1) STATE RESPONSIBILITIES.—Subject to
24 paragraph (2), each State shall transmit blank ab-
25 sentee ballots by mail and electronically to qualified

1 individuals in the same manner and under the same
2 terms and conditions under which the State trans-
3 mits such ballots to absent uniformed services voters
4 and overseas voters under section 102(f).

5 “(2) REQUIREMENTS.—Any blank absentee bal-
6 lot transmitted to a qualified individual under this
7 section—

8 “(A) must comply with the language re-
9 quirements under section 203 of the Voting
10 Rights Act of 1965 (52 U.S.C. 10503); and

11 “(B) must comply with the disability re-
12 quirements under section 508 of the Rehabilita-
13 tion Act of 1973 (29 U.S.C. 794d).

14 “(3) AFFIRMATION.—The State may not trans-
15 mit a ballot to a qualified individual under this sec-
16 tion unless the individual provides the State with a
17 signed affirmation in electronic form that—

18 “(A) the individual is a qualified individual
19 (as defined in subsection (b));

20 “(B) the individual has not and will not
21 cast another ballot with respect to the election;
22 and

23 “(C) acknowledges that a material
24 misstatement of fact in completing the ballot

1 may constitute grounds for conviction of per-
2 jury.

3 “(4) CLARIFICATION REGARDING FREE POST-
4 AGE.—An absentee ballot obtained by a qualified in-
5 dividual under this section shall be considered bal-
6 lotting materials as defined in section 107 for pur-
7 poses of section 3406 of title 39, United States
8 Code.

9 “(5) PROHIBITING REFUSAL TO ACCEPT BAL-
10 LOT FOR FAILURE TO MEET CERTAIN REQUIRE-
11 MENTS.—A State shall not refuse to accept and
12 process any otherwise valid blank absentee ballot
13 which was transmitted to a qualified individual
14 under this section and used by the individual to vote
15 in the election solely on the basis of the following:

16 “(A) Notarization or witness signature re-
17 quirements.

18 “(B) Restrictions on paper type, including
19 weight and size.

20 “(C) Restrictions on envelope type, includ-
21 ing weight and size.

22 “(b) QUALIFIED INDIVIDUAL.—

23 “(1) IN GENERAL.—In this section, except as
24 provided in paragraph (2), the term ‘qualified indi-
25 vidual’ means any individual who is otherwise quali-

1 fied to vote in an election for Federal office and who
2 meets any of the following requirements:

3 “(A) The individual—

4 “(i) has requested an absentee ballot
5 from the State or jurisdiction in which
6 such individual is registered to vote; and

7 “(ii) has not received such absentee
8 ballot at least 2 days before the date of the
9 election.

10 “(B) The individual—

11 “(i) resides in an area of a State with
12 respect to which an emergency or public
13 health emergency has been declared by the
14 chief executive of the State or of the area
15 involved within 5 days of the date of the
16 election under the laws of the State due to
17 reasons including a natural disaster, in-
18 cluding severe weather, or an infectious
19 disease; and

20 “(ii) has not requested an absentee
21 ballot.

22 “(C) The individual expects to be absent
23 from such individual’s jurisdiction on the date
24 of the election due to professional or volunteer

1 service in response to a natural disaster or
2 emergency as described in subparagraph (B).

3 “(D) The individual is hospitalized or ex-
4 pects to be hospitalized on the date of the elec-
5 tion.

6 “(E) The individual is an individual with a
7 disability (as defined in section 3 of the Ameri-
8 cans with Disabilities Act of 1990 (42 U.S.C.
9 12102)) and resides in a State which does not
10 offer voters the ability to use secure and acces-
11 sible remote ballot marking. For purposes of
12 this subparagraph, a State shall permit an indi-
13 vidual to self-certify that the individual is an in-
14 dividual with a disability.

15 “(2) EXCLUSION OF ABSENT UNIFORMED SERV-
16 ICES AND OVERSEAS VOTERS.—The term ‘qualified
17 individual’ shall not include an absent uniformed
18 services voter or an overseas voter.

19 “(c) STATE.—For purposes of this section, the term
20 ‘State’ includes the District of Columbia, the Common-
21 wealth of Puerto Rico, Guam, American Samoa, the
22 United States Virgin Islands, and the Commonwealth of
23 the Northern Mariana Islands.

24 “(d) EFFECTIVE DATE.—This section shall apply
25 with respect to the regularly scheduled general election for

1 Federal office held in November 2020 and each succeeding
2 election for Federal office.”.

3 (b) CONFORMING AMENDMENT.—Section 102(a) of
4 such Act (52 U.S.C. 20302(a)) is amended—

5 (1) by striking “and” at the end of paragraph
6 (10);

7 (2) by striking the period at the end of para-
8 graph (11) and inserting “; and”; and

9 (3) by adding at the end the following new
10 paragraph:

11 “(12) meet the requirements of section 103C
12 with respect to the provision of blank absentee bal-
13 lots for the use of qualified individuals described in
14 such section.”.

15 (c) CLERICAL AMENDMENTS.—The table of contents
16 of such Act is amended by inserting the following after
17 section 103:

“Sec. 103A. Procedures for collection and delivery of marked absentee ballots
of absent overseas uniformed services voters.

“Sec. 103B. Federal voting assistance program improvements.

“Sec. 103C. Transmission of blank absentee ballots to certain other voters.”.

18 **SEC. 120006. VOTER REGISTRATION.**

19 (a) REQUIRING AVAILABILITY OF INTERNET FOR
20 VOTER REGISTRATION.—

21 (1) REQUIRING AVAILABILITY OF INTERNET
22 FOR REGISTRATION.—The National Voter Registra-
23 tion Act of 1993 (52 U.S.C. 20501 et seq.) is

1 amended by inserting after section 6 the following
2 new section:

3 **“SEC. 6A. INTERNET REGISTRATION.**

4 “(a) REQUIRING AVAILABILITY OF INTERNET FOR
5 ONLINE REGISTRATION.—

6 “(1) AVAILABILITY OF ONLINE REGISTRATION
7 AND CORRECTION OF EXISTING REGISTRATION IN-
8 FORMATION.—Each State, acting through the chief
9 State election official, shall ensure that the following
10 services are available to the public at any time on
11 the official public websites of the appropriate State
12 and local election officials in the State, in the same
13 manner and subject to the same terms and condi-
14 tions as the services provided by voter registration
15 agencies under section 7(a):

16 “(A) Online application for voter registra-
17 tion.

18 “(B) Online assistance to applicants in ap-
19 plying to register to vote.

20 “(C) Online completion and submission by
21 applicants of the mail voter registration applica-
22 tion form prescribed by the Election Assistance
23 Commission pursuant to section 9(a)(2), includ-
24 ing assistance with providing a signature as re-
25 quired under subsection (c).

1 “(D) Online receipt of completed voter reg-
2 istration applications.

3 “(b) ACCEPTANCE OF COMPLETED APPLICATIONS.—

4 A State shall accept an online voter registration applica-
5 tion provided by an individual under this section, and en-
6 sure that the individual is registered to vote in the State,
7 if—

8 “(1) the individual meets the same voter reg-
9 istration requirements applicable to individuals who
10 register to vote by mail in accordance with section
11 6(a)(1) using the mail voter registration application
12 form prescribed by the Election Assistance Commis-
13 sion pursuant to section 9(a)(2); and

14 “(2) the individual meets the requirements of
15 subsection (c) to provide a signature in electronic
16 form (but only in the case of applications submitted
17 during or after the second year in which this section
18 is in effect in the State).

19 “(c) SIGNATURE REQUIREMENTS.—

20 “(1) IN GENERAL.—For purposes of this sec-
21 tion, an individual meets the requirements of this
22 subsection as follows:

23 “(A) In the case of an individual who has
24 a signature on file with a State agency, includ-
25 ing the State motor vehicle authority, that is

1 required to provide voter registration services
2 under this Act or any other law, the individual
3 consents to the transfer of that electronic signa-
4 ture.

5 “(B) If subparagraph (A) does not apply,
6 the individual submits with the application an
7 electronic copy of the individual’s handwritten
8 signature through electronic means.

9 “(C) If subparagraph (A) and subpara-
10 graph (B) do not apply, the individual executes
11 a computerized mark in the signature field on
12 an online voter registration application, in ac-
13 cordance with reasonable security measures es-
14 tablished by the State, but only if the State ac-
15 cepts such mark from the individual.

16 “(2) TREATMENT OF INDIVIDUALS UNABLE TO
17 MEET REQUIREMENT.—If an individual is unable to
18 meet the requirements of paragraph (1), the State
19 shall—

20 “(A) permit the individual to complete all
21 other elements of the online voter registration
22 application;

23 “(B) permit the individual to provide a sig-
24 nature at the time the individual requests a bal-
25 lot in an election (whether the individual re-

1 requests the ballot at a polling place or requests
2 the ballot by mail); and

3 “(C) if the individual carries out the steps
4 described in subparagraph (A) and subpara-
5 graph (B), ensure that the individual is reg-
6 istered to vote in the State.

7 “(3) NOTICE.—The State shall ensure that in-
8 dividuals applying to register to vote online are noti-
9 fied of the requirements of paragraph (1) and of the
10 treatment of individuals unable to meet such re-
11 quirements, as described in paragraph (2).

12 “(d) CONFIRMATION AND DISPOSITION.—

13 “(1) CONFIRMATION OF RECEIPT.—Upon the
14 online submission of a completed voter registration
15 application by an individual under this section, the
16 appropriate State or local election official shall send
17 the individual a notice confirming the State’s receipt
18 of the application and providing instructions on how
19 the individual may check the status of the applica-
20 tion.

21 “(2) NOTICE OF DISPOSITION.—Not later than
22 7 days after the appropriate State or local election
23 official has approved or rejected an application sub-
24 mitted by an individual under this section, the offi-

1 cial shall send the individual a notice of the disposi-
2 tion of the application.

3 “(3) METHOD OF NOTIFICATION.—The appro-
4 prium State or local election official shall send the
5 notices required under this subsection by regular
6 mail, and, in the case of an individual who has pro-
7 vided the official with an electronic mail address, by
8 both electronic mail and regular mail.

9 “(e) PROVISION OF SERVICES IN NONPARTISAN
10 MANNER.—The services made available under subsection
11 (a) shall be provided in a manner that ensures that, con-
12 sistent with section 7(a)(5)—

13 “(1) the online application does not seek to in-
14 fluence an applicant’s political preference or party
15 registration; and

16 “(2) there is no display on the website pro-
17 moting any political preference or party allegiance,
18 except that nothing in this paragraph may be con-
19 strued to prohibit an applicant from registering to
20 vote as a member of a political party.

21 “(f) PROTECTION OF SECURITY OF INFORMATION.—
22 In meeting the requirements of this section, the State shall
23 establish appropriate technological security measures to
24 prevent to the greatest extent practicable any unauthor-

1 ized access to information provided by individuals using
2 the services made available under subsection (a).

3 “(g) ACCESSIBILITY OF SERVICES.—A state shall en-
4 sure that the services made available under this section
5 are made available to individuals with disabilities to the
6 same extent as services are made available to all other in-
7 dividuals.

8 “(h) USE OF ADDITIONAL TELEPHONE-BASED SYS-
9 TEM.—A State shall make the services made available on-
10 line under subsection (a) available through the use of an
11 automated telephone-based system, subject to the same
12 terms and conditions applicable under this section to the
13 services made available online, in addition to making the
14 services available online in accordance with the require-
15 ments of this section.

16 “(i) NONDISCRIMINATION AMONG REGISTERED VOT-
17 ERS USING MAIL AND ONLINE REGISTRATION.—In car-
18 rying out this Act, the Help America Vote Act of 2002,
19 or any other Federal, State, or local law governing the
20 treatment of registered voters in the State or the adminis-
21 tration of elections for public office in the State, a State
22 shall treat a registered voter who registered to vote online
23 in accordance with this section in the same manner as the
24 State treats a registered voter who registered to vote by
25 mail.”.

1 (2) SPECIAL REQUIREMENTS FOR INDIVIDUALS
2 USING ONLINE REGISTRATION.—

3 (A) TREATMENT AS INDIVIDUALS REG-
4 ISTERING TO VOTE BY MAIL FOR PURPOSES OF
5 FIRST-TIME VOTER IDENTIFICATION REQUIRE-
6 MENTS.—Section 303(b)(1)(A) of the Help
7 America Vote Act of 2002 (52 U.S.C.
8 21083(b)(1)(A)) is amended by striking “by
9 mail” and inserting “by mail or online under
10 section 6A of the National Voter Registration
11 Act of 1993”.

12 (B) REQUIRING SIGNATURE FOR FIRST-
13 TIME VOTERS IN JURISDICTION.—Section
14 303(b) of such Act (52 U.S.C. 21083(b)) is
15 amended—

16 (i) by redesignating paragraph (5) as
17 paragraph (6); and

18 (ii) by inserting after paragraph (4)
19 the following new paragraph:

20 “(5) SIGNATURE REQUIREMENTS FOR FIRST-
21 TIME VOTERS USING ONLINE REGISTRATION.—

22 “(A) IN GENERAL.—A State shall, in a
23 uniform and nondiscriminatory manner, require
24 an individual to meet the requirements of sub-
25 paragraph (B) if—

1 “(i) the individual registered to vote
2 in the State online under section 6A of the
3 National Voter Registration Act of 1993;
4 and

5 “(ii) the individual has not previously
6 voted in an election for Federal office in
7 the State.

8 “(B) REQUIREMENTS.—An individual
9 meets the requirements of this subparagraph
10 if—

11 “(i) in the case of an individual who
12 votes in person, the individual provides the
13 appropriate State or local election official
14 with a handwritten signature; or

15 “(ii) in the case of an individual who
16 votes by mail, the individual submits with
17 the ballot a handwritten signature.

18 “(C) INAPPLICABILITY.—Subparagraph
19 (A) does not apply in the case of an individual
20 who is—

21 “(i) entitled to vote by absentee ballot
22 under the Uniformed and Overseas Citi-
23 zens Absentee Voting Act (52 U.S.C.
24 20302 et seq.);

1 “(ii) provided the right to vote other-
2 wise than in person under section
3 3(b)(2)(B)(ii) of the Voting Accessibility
4 for the Elderly and Handicapped Act (52
5 U.S.C. 20102(b)(2)(B)(ii)); or

6 “(iii) entitled to vote otherwise than
7 in person under any other Federal law.”.

8 (C) CONFORMING AMENDMENT RELATING
9 TO EFFECTIVE DATE.—Section 303(d)(2)(A) of
10 such Act (52 U.S.C. 21083(d)(2)(A)) is amend-
11 ed by striking “Each State” and inserting “Ex-
12 cept as provided in subsection (b)(5), each
13 State”.

14 (3) CONFORMING AMENDMENTS.—

15 (A) TIMING OF REGISTRATION.—Section
16 8(a)(1) of the National Voter Registration Act
17 of 1993 (52 U.S.C. 20507(a)(1)) is amended—

18 (i) by striking “and” at the end of
19 subparagraph (C);

20 (ii) by redesignating subparagraph
21 (D) as subparagraph (E); and

22 (iii) by inserting after subparagraph
23 (C) the following new subparagraph:

24 “(D) in the case of online registration
25 through the official public website of an election

1 official under section 6A, if the valid voter reg-
2 istration application is submitted online not
3 later than the lesser of 28 days, or the period
4 provided by State law, before the date of the
5 election (as determined by treating the date on
6 which the application is sent electronically as
7 the date on which it is submitted); and”.

8 (B) INFORMING APPLICANTS OF ELIGI-
9 BILITY REQUIREMENTS AND PENALTIES.—Sec-
10 tion 8(a)(5) of such Act (52 U.S.C.
11 20507(a)(5)) is amended by striking “and 7”
12 and inserting “6A, and 7”.

13 (b) SAME DAY REGISTRATION.—

14 (1) IN GENERAL.—Subtitle C of title III of the
15 Help America Vote Act of 2002, as added by section
16 3(a), is amended—

17 (A) by redesignating sections 325 and 326
18 as sections 326 and 327; and

19 (B) by inserting after section 324 the fol-
20 lowing new section:

21 **“SEC. 325. SAME DAY REGISTRATION.**

22 **“(a) IN GENERAL.—**

23 **“(1) REGISTRATION.—**Each State shall permit
24 any eligible individual on the day of a Federal elec-

1 tion and on any day when voting, including early
2 voting, is permitted for a Federal election—

3 “(A) to register to vote in such election at
4 the polling place using a form that meets the
5 requirements under section 9(b) of the National
6 Voter Registration Act of 1993 (or, if the indi-
7 vidual is already registered to vote, to revise
8 any of the individual’s voter registration infor-
9 mation); and

10 “(B) to cast a vote in such election.

11 “(2) EXCEPTION.—The requirements under
12 paragraph (1) shall not apply to a State in which,
13 under a State law in effect continuously on and after
14 the date of the enactment of this section, there is no
15 voter registration requirement for individuals in the
16 State with respect to elections for Federal office.

17 “(b) ELIGIBLE INDIVIDUAL.—For purposes of this
18 section, the term ‘eligible individual’ means, with respect
19 to any election for Federal office, an individual who is oth-
20 erwise qualified to vote in that election.

21 “(c) EFFECTIVE DATE.—Each State shall be re-
22 quired to comply with the requirements of subsection (a)
23 for the regularly scheduled general election for Federal of-
24 fice occurring in November 2020 and for any subsequent
25 election for Federal office.”.

1 (2) CLERICAL AMENDMENT.—The table of con-
2 tents of such Act, as amended by section 3, is
3 amended—

4 (A) by redesignating the items relating to
5 sections 325 and 326 as relating to sections
6 326 and 327; and

7 (B) by inserting after the item relating to
8 section 324 the following new item:

“Sec. 325. Same day registration.”.

9 (c) PROHIBITING STATE FROM REQUIRING APPLI-
10 CANTS TO PROVIDE MORE THAN LAST 4 DIGITS OF SO-
11 CIAL SECURITY NUMBER.—

12 (1) FORM INCLUDED WITH APPLICATION FOR
13 MOTOR VEHICLE DRIVER’S LICENSE.—Section
14 5(c)(2)(B)(ii) of the National Voter Registration Act
15 of 1993 (52 U.S.C. 20504(c)(2)(B)(ii)) is amended
16 by striking the semicolon at the end and inserting
17 the following: “, and to the extent that the applica-
18 tion requires the applicant to provide a Social Secu-
19 rity number, may not require the applicant to pro-
20 vide more than the last 4 digits of such number;”.

21 (2) NATIONAL MAIL VOTER REGISTRATION
22 FORM.—Section 9(b)(1) of such Act (52 U.S.C.
23 20508(b)(1)) is amended by striking the semicolon
24 at the end and inserting the following: “, and to the
25 extent that the form requires the applicant to pro-

1 vide a Social Security number, the form may not re-
2 quire the applicant to provide more than the last 4
3 digits of such number;”.

4 (3) EFFECTIVE DATE.—The amendments made
5 by this subsection shall apply with respect to the
6 regularly scheduled general election for Federal of-
7 fice held in November 2020 and each succeeding
8 election for Federal office.

9 **SEC. 120007. ACCOMMODATIONS FOR VOTERS RESIDING IN**
10 **INDIAN LANDS.**

11 (a) ACCOMMODATIONS DESCRIBED.—

12 (1) DESIGNATION OF BALLOT PICKUP AND COL-
13 LECTION LOCATIONS.—Given the widespread lack of
14 residential mail delivery in Indian Country, an In-
15 dian Tribe may designate buildings as ballot pickup
16 and collection locations with respect to an election
17 for Federal office at no cost to the Indian Tribe. An
18 Indian Tribe may designate one building per pre-
19 cinct located within Indian lands. The applicable
20 State or political subdivision shall collect ballots
21 from those locations. The applicable State or polit-
22 ical subdivision shall provide the Indian Tribe with
23 accurate precinct maps for all precincts located with-
24 in Indian lands 60 days before the election.

1 (2) PROVISION OF MAIL-IN AND ABSENTEE
2 BALLOTS.—The State or political subdivision shall
3 provide mail-in and absentee ballots with respect to
4 an election for Federal office to each individual who
5 is registered to vote in the election who resides on
6 Indian lands in the State or political subdivision in-
7 volved without requiring a residential address or a
8 mail-in or absentee ballot request.

9 (3) USE OF DESIGNATED BUILDING AS RESI-
10 DENTIAL AND MAILING ADDRESS.—The address of a
11 designated building that is a ballot pickup and col-
12 lection location with respect to an election for Fed-
13 eral office may serve as the residential address and
14 mailing address for voters living on Indian lands if
15 the tribally designated building is in the same pre-
16 cinct as that voter. If there is no tribally designated
17 building within a voter’s precinct, the voter may use
18 another tribally designated building within the In-
19 dian lands where the voter is located. Voters using
20 a tribally designated building outside of the voter’s
21 precinct may use the tribally designated building as
22 a mailing address and may separately designate the
23 voter’s appropriate precinct through a description of
24 the voter’s address, as specified in section

1 9428.4(a)(2) of title 11, Code of Federal Regula-
2 tions.

3 (4) LANGUAGE ACCESSIBILITY.—In the case of
4 a State or political subdivision that is a covered
5 State or political subdivision under section 203 of
6 the Voting Rights Act of 1965 (52 U.S.C. 10503),
7 that State or political subdivision shall provide ab-
8 sentee or mail-in voting materials with respect to an
9 election for Federal office in the language of the ap-
10 plicable minority group as well as in the English lan-
11 guage, bilingual election voting assistance, and writ-
12 ten translations of all voting materials in the lan-
13 guage of the applicable minority group, as required
14 by section 203 of the Voting Rights Act of 1965 (52
15 U.S.C. 10503), as amended by subsection (b).

16 (5) CLARIFICATION.—Nothing in this section
17 alters the ability of an individual voter residing on
18 Indian lands to request a ballot in a manner avail-
19 able to all other voters in the State.

20 (6) DEFINITIONS.—In this section:

21 (A) INDIAN.—The term “Indian” has the
22 meaning given the term in section 4 of the In-
23 dian Self-Determination and Education Assist-
24 ance Act (25 U.S.C. 5304).

1 (B) INDIAN LANDS.—The term “Indian
2 lands” includes—

3 (i) any Indian country of an Indian
4 Tribe, as defined under section 1151 of
5 title 18, United States Code;

6 (ii) any land in Alaska owned, pursu-
7 ant to the Alaska Native Claims Settle-
8 ment Act (43 U.S.C. 1601 et seq.), by an
9 Indian Tribe that is a Native village (as
10 defined in section 3 of that Act (43 U.S.C.
11 1602)) or by a Village Corporation that is
12 associated with an Indian Tribe (as de-
13 fined in section 3 of that Act (43 U.S.C.
14 1602));

15 (iii) any land on which the seat of the
16 Tribal Government is located; and

17 (iv) any land that is part or all of a
18 Tribal designated statistical area associ-
19 ated with an Indian Tribe, or is part or all
20 of an Alaska Native village statistical area
21 associated with an Indian Tribe, as defined
22 by the Census Bureau for the purposes of
23 the most recent decennial census.

24 (C) INDIAN TRIBE.—The term “Indian
25 Tribe” has the meaning given the term “Indian

1 tribe” in section 4 of the Indian Self-Deter-
2 mination and Education Assistance Act (25
3 U.S.C. 5304).

4 (D) TRIBAL GOVERNMENT.—The term
5 “Tribal Government” means the recognized
6 governing body of an Indian Tribe.

7 (7) ENFORCEMENT.—

8 (A) ATTORNEY GENERAL.—The Attorney
9 General may bring a civil action in an appro-
10 priate district court for such declaratory or in-
11 junctive relief as is necessary to carry out this
12 subsection.

13 (B) PRIVATE RIGHT OF ACTION.—

14 (i) A person or Tribal Government
15 who is aggrieved by a violation of this sub-
16 section may provide written notice of the
17 violation to the chief election official of the
18 State involved.

19 (ii) An aggrieved person or Tribal
20 Government may bring a civil action in an
21 appropriate district court for declaratory
22 or injunctive relief with respect to a viola-
23 tion of this subsection, if—

1 (I) that person or Tribal Govern-
2 ment provides the notice described in
3 clause (i); and

4 (II)(aa) in the case of a violation
5 that occurs more than 120 days be-
6 fore the date of an election for Fed-
7 eral office, the violation remains and
8 90 days or more have passed since the
9 date on which the chief election offi-
10 cial of the State receives the notice
11 under clause (i); or

12 (bb) in the case of a violation
13 that occurs 120 days or less before
14 the date of an election for Federal of-
15 fice, the violation remains and 20
16 days or more have passed since the
17 date on which the chief election offi-
18 cial of the State receives the notice
19 under clause (i).

20 (iii) In the case of a violation of this
21 section that occurs 30 days or less before
22 the date of an election for Federal office,
23 an aggrieved person or Tribal Government
24 may bring a civil action in an appropriate
25 district court for declaratory or injunctive

1 relief with respect to the violation without
2 providing notice to the chief election offi-
3 cial of the State under clause (i).

4 (b) BILINGUAL ELECTION REQUIREMENTS.—Section
5 203 of the Voting Rights Act of 1965 (52 U.S.C. 10503)
6 is amended—

7 (1) in subsection (b)(3)(C), by striking “1990”
8 and inserting “2010”; and

9 (2) by striking subsection (c) and inserting the
10 following:

11 “(c) PROVISION OF VOTING MATERIALS IN THE LAN-
12 GUAGE OF A MINORITY GROUP.—

13 “(1) IN GENERAL.—Whenever any State or po-
14 litical subdivision subject to the prohibition of sub-
15 section (b) of this section provides any registration
16 or voting notices, forms, instructions, assistance, or
17 other materials or information relating to the elec-
18 toral process, including ballots, it shall provide them
19 in the language of the applicable minority group as
20 well as in the English language.

21 “(2) EXCEPTIONS.—

22 “(A) IN GENERAL.—

23 “(i) In the case of a minority group
24 that is not American Indian or Alaska Na-
25 tive and the language of that minority

1 group is oral or unwritten, the State or po-
2 litical subdivision shall only be required to
3 furnish, in the covered language, oral in-
4 structions, assistance, translation of voting
5 materials, or other information relating to
6 registration and voting.

7 “(ii) In the case of a minority group
8 that is American Indian or Alaska Native,
9 the State or political subdivision shall only
10 be required to furnish in the covered lan-
11 guage oral instructions, assistance, or
12 other information relating to registration
13 and voting, including all voting materials,
14 if the Tribal Government of that minority
15 group has certified that the language of
16 the applicable American Indian or Alaska
17 Native language is presently unwritten or
18 the Tribal Government does not want writ-
19 ten translations in the minority language.

20 “(3) WRITTEN TRANSLATIONS FOR ELECTION
21 WORKERS.—Notwithstanding paragraph (2), the
22 State or political division may be required to provide
23 written translations of voting materials, with the
24 consent of any applicable Indian Tribe, to election
25 workers to ensure that the translations from English

1 to the language of a minority group are complete,
2 accurate, and uniform.”.

3 (c) EFFECTIVE DATE.—This section and the amend-
4 ments made by this section shall apply with respect to the
5 regularly scheduled general election for Federal office held
6 in November 2020 and each succeeding election for Fed-
7 eral office.

8 **SEC. 120008. PAYMENTS BY ELECTION ASSISTANCE COM-**
9 **MISSION TO STATES TO ASSIST WITH COSTS**
10 **OF COMPLIANCE.**

11 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
12 II of the Help America Vote Act of 2002 (52 U.S.C.
13 21001 et seq.) is amended by adding at the end the fol-
14 lowing new part:

15 **“PART 7—PAYMENTS TO ASSIST WITH COSTS OF**
16 **COMPLIANCE WITH ACCESS ACT**

17 **“SEC. 297. PAYMENTS TO ASSIST WITH COSTS OF COMPLI-**
18 **ANCE WITH ACCESS ACT.**

19 “(a) AVAILABILITY AND USE OF PAYMENTS.—

20 “(1) IN GENERAL.—The Commission shall
21 make a payment to each eligible State to assist the
22 State with the costs of complying with the American
23 Coronavirus/COVID–19 Election Safety and Secu-
24 rity Act and the amendments made by such Act, in-
25 cluding the provisions of such Act and such amend-

1 ments which require States to pre-pay the postage
2 on absentee ballots and balloting materials.

3 “(2) PUBLIC EDUCATION CAMPAIGNS.—For
4 purposes of this part, the costs incurred by a State
5 in carrying out a campaign to educate the public
6 about the requirements of the American
7 Coronavirus/COVID–19 Election Safety and Secu-
8 rity Act and the amendments made by such Act
9 shall be included as the costs of complying with such
10 Act and such amendments.

11 “(b) PRIMARY ELECTIONS.—

12 “(1) PAYMENTS TO STATES.—In addition to
13 any payments under subsection (a), the Commission
14 shall make a payment to each eligible State to assist
15 the State with the costs incurred in voluntarily elect-
16 ing to comply with the American Coronavirus/
17 COVID–19 Election Safety and Security Act and
18 the amendments made by such Act with respect to
19 primary elections for Federal office held in the State
20 in 2020.

21 “(2) STATE POLITICAL PARTY-RUN PRI-
22 MARIES.—In addition to any payments under para-
23 graph (1), in the case of a State voluntarily electing
24 to comply with the American Coronavirus/COVID–
25 19 Election Safety and Security Act and the amend-

1 ments made by such Act with respect to primary
2 elections for Federal office held in the State in
3 2020, the Commission shall make a payment to each
4 eligible political party of the State for the costs in-
5 curred by the party in transmitting absentee ballots
6 and balloting materials with respect to such elections
7 (including the costs relating to pre-paying the post-
8 age on the return envelopes for such ballots and ma-
9 terials).

10 “(c) PASS-THROUGH OF FUNDS TO LOCAL JURISDIC-
11 TIONS.—

12 “(1) IN GENERAL.—If a State receives a pay-
13 ment under this part for costs that include costs in-
14 curred by a local jurisdiction or Tribal government
15 within the State, the State shall pass through to
16 such local jurisdiction or Tribal government a por-
17 tion of such payment that is equal to the amount of
18 the costs incurred by such local jurisdiction or Trib-
19 al government.

20 “(2) TRIBAL GOVERNMENT DEFINED.—In this
21 subsection, the term ‘Tribal Government’ means the
22 recognized governing body of an Indian tribe (as de-
23 fined in section 4 of the Indian Self-Determination
24 and Education Assistance Act (25 U.S.C. 5304)).

1 “(d) SCHEDULE OF PAYMENTS.—As soon as prac-
2 ticable after the date of the enactment of this part and
3 not less frequently than once each calendar year there-
4 after, the Commission shall make payments under this
5 part.

6 “(e) COVERAGE OF COMMONWEALTH OF NORTHERN
7 MARIANA ISLANDS.—In this part, the term ‘State’ in-
8 cludes the Commonwealth of the Northern Mariana Is-
9 lands.

10 “(f) LIMITATION.—No funds may be provided to a
11 State under this part for costs attributable to the elec-
12 tronic return of marked ballots by any voter.

13 **“SEC. 297A. AMOUNT OF PAYMENT.**

14 “(a) IN GENERAL.—Except as provided in section
15 297C, the amount of a payment made to an eligible State
16 for a year under this part shall be determined by the Com-
17 mission.

18 “(b) CONTINUING AVAILABILITY OF FUNDS AFTER
19 APPROPRIATION.—A payment made to an eligible State
20 or eligible unit of local government under this part shall
21 be available without fiscal year limitation.

22 **“SEC. 297B. REQUIREMENTS FOR ELIGIBILITY.**

23 “(a) APPLICATION.—Except as provided in section
24 297C, each State that desires to receive a payment under
25 this part for a fiscal year, and each political party of a

1 State that desires to receive a payment under section
2 297(b)(2), shall submit an application for the payment to
3 the Commission at such time and in such manner and con-
4 taining such information as the Commission shall require.

5 “(b) CONTENTS OF APPLICATION.—Each application
6 submitted under subsection (a) shall—

7 “(1) describe the activities for which assistance
8 under this part is sought; and

9 “(2) provide such additional information and
10 certifications as the Commission determines to be es-
11 sential to ensure compliance with the requirements
12 of this part.

13 **“SEC. 297C. SPECIAL RULES FOR PAYMENTS FOR ELEC-**
14 **TIONS SUBJECT TO EMERGENCY RULES.**

15 “(a) SUBMISSION OF ESTIMATED COSTS.—If the spe-
16 cial rules in the case of an emergency period under section
17 322(c)(3) apply to an election, not later than the applica-
18 ble deadline under subsection (c), the State shall submit
19 to the Commission a request for a payment under this
20 part, and shall include in the request the State’s estimate
21 of the costs the State expects to incur in the administra-
22 tion of the election which are attributable to the applica-
23 tion of such special rules to the election.

24 “(b) PAYMENT.—Not later than 7 days after receiv-
25 ing a request from the State under subsection (a), the

1 Commission shall make a payment to the State in an
2 amount equal to the estimate provided by the State in the
3 request.

4 “(c) **APPLICABLE DEADLINE.**—The applicable dead-
5 line under this paragraph with respect to an election is—

6 “(1) with respect to the regularly scheduled
7 general election for Federal office held in November
8 2020, 15 days after the date of the enactment of
9 this part; and

10 “(2) with respect to any other election, 15 days
11 after the emergency or disaster described in section
12 322(c)(3) is declared.

13 **“SEC. 297D. AUTHORIZATION OF APPROPRIATIONS.**

14 “There are authorized to be appropriated for pay-
15 ments under this part—

16 “(1) in the case of payments made under sec-
17 tion 297C, such sums as may be necessary for fiscal
18 year 2020 and each succeeding fiscal year; and

19 “(2) in the case of any other payments, such
20 sums as may be necessary for fiscal year 2020.

21 **“SEC. 297E. REPORTS.**

22 “(a) **REPORTS BY RECIPIENTS.**—Not later than 6
23 months after the end of each fiscal year for which an eligi-
24 ble State received a payment under this part, the State

1 shall submit a report to the Commission on the activities
 2 conducted with the funds provided during the year.

3 “(b) REPORTS BY COMMISSION TO COMMITTEES.—
 4 With respect to each fiscal year for which the Commission
 5 makes payments under this part, the Commission shall
 6 submit a report on the activities carried out under this
 7 part to the Committee on House Administration of the
 8 House of Representatives and the Committee on Rules
 9 and Administration of the Senate.”.

10 (b) CLERICAL AMENDMENT.—The table of contents
 11 of such Act is amended by adding at the end of the items
 12 relating to subtitle D of title II the following:

“PART 7—PAYMENTS TO ASSIST WITH COSTS OF COMPLIANCE WITH
 ACCESS ACT

“Sec. 297. Payments to assist with costs of compliance with Access Act.

“Sec. 297A. Amount of payment.

“Sec. 297B. Requirements for eligibility.

“Sec. 297C. Authorization of appropriations.

“Sec. 297D. Reports.”.

13 **SEC. 120009. GRANTS TO STATES FOR CONDUCTING RISK-**
 14 **LIMITING AUDITS OF RESULTS OF ELEC-**
 15 **TIONS.**

16 (a) AVAILABILITY OF GRANTS.—Subtitle D of title
 17 II of the Help America Vote Act of 2002 (52 U.S.C.
 18 21001 et seq.), as amended by section 8(a), is further
 19 amended by adding at the end the following new part:

1 **“PART 8—GRANTS FOR CONDUCTING RISK-**
2 **LIMITING AUDITS OF RESULTS OF ELECTIONS**
3 **“SEC. 298. GRANTS FOR CONDUCTING RISK-LIMITING AU-**
4 **DITS OF RESULTS OF ELECTIONS.**

5 “(a) AVAILABILITY OF GRANTS.—The Commission
6 shall make a grant to each eligible State to conduct risk-
7 limiting audits as described in subsection (b) with respect
8 to the regularly scheduled general elections for Federal of-
9 fice held in November 2020 and each succeeding election
10 for Federal office.

11 “(b) RISK-LIMITING AUDITS DESCRIBED.—In this
12 part, a ‘risk-limiting audit’ is a post-election process—

13 “(1) which is conducted in accordance with
14 rules and procedures established by the chief State
15 election official of the State which meet the require-
16 ments of subsection (c); and

17 “(2) under which, if the reported outcome of
18 the election is incorrect, there is at least a predeter-
19 mined percentage chance that the audit will replace
20 the incorrect outcome with the correct outcome as
21 determined by a full, hand-to-eye tabulation of all
22 votes validly cast in that election that ascertains
23 voter intent manually and directly from voter-
24 verifiable paper records.

25 “(c) REQUIREMENTS FOR RULES AND PROCE-
26 DURES.—The rules and procedures established for con-

1 ducting a risk-limiting audit shall include the following
2 elements:

3 “(1) Rules for ensuring the security of ballots
4 and documenting that prescribed procedures were
5 followed.

6 “(2) Rules and procedures for ensuring the ac-
7 curacy of ballot manifests produced by election agen-
8 cies.

9 “(3) Rules and procedures for governing the
10 format of ballot manifests, cast vote records, and
11 other data involved in the audit.

12 “(4) Methods to ensure that any cast vote
13 records used in the audit are those used by the vot-
14 ing system to tally the election results sent to the
15 chief State election official and made public.

16 “(5) Procedures for the random selection of
17 ballots to be inspected manually during each audit.

18 “(6) Rules for the calculations and other meth-
19 ods to be used in the audit and to determine wheth-
20 er and when the audit of an election is complete.

21 “(7) Procedures and requirements for testing
22 any software used to conduct risk-limiting audits.

23 “(d) DEFINITIONS.—In this part, the following defi-
24 nitions apply:

1 “(1) The term ‘ballot manifest’ means a record
2 maintained by each election agency that meets each
3 of the following requirements:

4 “(A) The record is created without reliance
5 on any part of the voting system used to tab-
6 ulate votes.

7 “(B) The record functions as a sampling
8 frame for conducting a risk-limiting audit.

9 “(C) The record contains the following in-
10 formation with respect to the ballots cast and
11 counted in the election:

12 “(i) The total number of ballots cast
13 and counted by the agency (including
14 undervotes, overvotes, and other invalid
15 votes).

16 “(ii) The total number of ballots cast
17 in each election administered by the agency
18 (including undervotes, overvotes, and other
19 invalid votes).

20 “(iii) A precise description of the
21 manner in which the ballots are physically
22 stored, including the total number of phys-
23 ical groups of ballots, the numbering sys-
24 tem for each group, a unique label for each

1 group, and the number of ballots in each
2 such group.

3 “(2) The term ‘incorrect outcome’ means an
4 outcome that differs from the outcome that would be
5 determined by a full tabulation of all votes validly
6 cast in the election, determining voter intent manu-
7 ally, directly from voter-verifiable paper records.

8 “(3) The term ‘outcome’ means the winner of
9 an election, whether a candidate or a position.

10 “(4) The term ‘reported outcome’ means the
11 outcome of an election which is determined accord-
12 ing to the canvass and which will become the official,
13 certified outcome unless it is revised by an audit, re-
14 count, or other legal process.

15 **“SEC. 298A. ELIGIBILITY OF STATES.**

16 “A State is eligible to receive a grant under this part
17 if the State submits to the Commission, at such time and
18 in such form as the Commission may require, an applica-
19 tion containing—

20 “(1) a certification that, not later than 5 years
21 after receiving the grant, the State will conduct risk-
22 limiting audits of the results of elections for Federal
23 office held in the State as described in section 298;

24 “(2) a certification that, not later than one year
25 after the date of the enactment of this section, the

1 chief State election official of the State has estab-
2 lished or will establish the rules and procedures for
3 conducting the audits which meet the requirements
4 of section 298(c);

5 “(3) a certification that the audit shall be com-
6 pleted not later than the date on which the State
7 certifies the results of the election;

8 “(4) a certification that, after completing the
9 audit, the State shall publish a report on the results
10 of the audit, together with such information as nec-
11 essary to confirm that the audit was conducted prop-
12 erly;

13 “(5) a certification that, if a risk-limiting audit
14 conducted under this part leads to a full manual
15 tally of an election, State law requires that the State
16 or election agency shall use the results of the full
17 manual tally as the official results of the election;
18 and

19 “(6) such other information and assurances as
20 the Commission may require.

21 **“SEC. 298B. AUTHORIZATION OF APPROPRIATIONS.**

22 “There are authorized to be appropriated for grants
23 under this part \$20,000,000 for fiscal year 2020, to re-
24 main available until expended.”.

1 (b) CLERICAL AMENDMENT.—The table of contents
2 of such Act, as amended by section 8(b), is further amend-
3 ed by adding at the end of the items relating to subtitle
4 D of title II the following:

“PART 8—GRANTS FOR CONDUCTING RISK-LIMITING AUDITS OF RESULTS
OF ELECTIONS

“Sec. 298. Grants for conducting risk-limiting audits of results of elec-
tions.

“Sec. 298A. Eligibility of States.

“Sec. 298B. Authorization of appropriations.

5 (c) GAO ANALYSIS OF EFFECTS OF AUDITS.—

6 (1) ANALYSIS.—Not later than 6 months after
7 the first election for Federal office is held after
8 grants are first awarded to States for conducting
9 risk-limiting audits under part 8 of subtitle D of
10 title II of the Help America Vote Act of 2002 (as
11 added by subsection (a)) for conducting risk-limiting
12 audits of elections for Federal office, the Comp-
13 troller General of the United States shall conduct an
14 analysis of the extent to which such audits have im-
15 proved the administration of such elections and the
16 security of election infrastructure in the States re-
17 ceiving such grants.

18 (2) REPORT.—The Comptroller General of the
19 United States shall submit a report on the analysis
20 conducted under subsection (a) to the appropriate
21 congressional committees.

1 **SEC. 120010. ADDITIONAL APPROPRIATIONS FOR THE**
2 **ELECTION ASSISTANCE COMMISSION.**

3 (a) **IN GENERAL.**—In addition to any funds other-
4 wise appropriated to the Election Assistance Commission
5 for fiscal year 2020, there is authorized to be appropriated
6 \$3,000,000 for fiscal year 2020 in order for the Commis-
7 sion to provide additional assistance and resources to
8 States for improving the administration of elections.

9 (b) **AVAILABILITY OF FUNDS.**—Amounts appro-
10 priated pursuant to the authorization under this sub-
11 section shall remain available without fiscal year limita-
12 tion.

13 **DIVISION M—OVERSIGHT AND**
14 **ACCOUNTABILITY**

15 **SEC. 130001. CORONAVIRUS ACCOUNTABILITY AND TRANS-**
16 **PARENCY COMMITTEE.**

17 (a) **ESTABLISHMENT OF THE CORONAVIRUS AC-**
18 **COUNTABILITY AND TRANSPARENCY COMMITTEE.**—There
19 is established the Coronavirus Accountability and Trans-
20 parency Committee within the Council of the Inspectors
21 General on Integrity and Efficiency to coordinate and sup-
22 port Inspectors General in conducting oversight of covered
23 funds to detect and prevent fraud, waste, and abuse.

24 (b) **COMPOSITION OF COMMITTEE.**—

25 (1) **CHAIRPERSON.**—The Chairperson of the
26 Committee shall be an Inspector General, identified

1 in paragraph (2)(A) with experience managing over-
2 sight of large organizations and expenditures and
3 shall be selected by the Chair of the Council of the
4 Inspectors General on Integrity and Efficiency.

5 (2) MEMBERS.—The members of the Com-
6 mittee shall include—

7 (A) the Inspectors General of the Depart-
8 ments of Commerce, Defense, Education,
9 Health and Human Services, Homeland Secu-
10 rity, Labor, Transportation, Treasury, Treasury
11 Inspector General for Tax Administration, Vet-
12 erans Affairs, and the Small Business Adminis-
13 tration; and

14 (B) any other Inspector General as des-
15 igned by the Chair of the Council of the In-
16 spectors General on Integrity and Efficiency.

17 (c) FUNCTIONS OF THE COMMITTEE.—

18 (1) FUNCTIONS.—

19 (A) IN GENERAL.—The Committee shall
20 coordinate and assist Inspectors General in the
21 oversight of covered funds and the response of
22 the Executive Branch to the Coronavirus Pan-
23 demic in order to prevent fraud, waste, and
24 abuse.

1 (B) SPECIFIC FUNCTIONS.—The functions
2 of the Committee shall include—

3 (i) developing a strategic plan to en-
4 sure Inspectors General effectively and ef-
5 ficiently conduct comprehensive oversight
6 over all aspects of the covered funds and
7 the response by the Executive Branch to
8 the Coronavirus;

9 (ii) serving as a liaison to the Director
10 of the Office of Management and Budget,
11 Secretary of the Treasury, and other offi-
12 cials responsible for implementing this Act;

13 (iii) supporting audits and investiga-
14 tions of covered funds to determine wheth-
15 er wasteful spending, poor contract or
16 grant management, or other abuses are oc-
17 ccurring and referring matters the Com-
18 mittee considers appropriate for audit or
19 investigation to the Inspector General for
20 the agency that disbursed the covered
21 funds or more than one Inspector General,
22 as appropriate;

23 (iv) supporting reviews of contracts,
24 grants, and other assistance that use using

1 covered funds or that are otherwise related
2 to Coronavirus by assessing whether—

3 (I) the contracts, grants, and
4 other assistance meet applicable
5 standards;

6 (II) the contracts, grants, and
7 other assistance adequately specify the
8 purpose of the contract, grant, or
9 other assistance, as well as applicable
10 measures of performance; and

11 (III) there are sufficient qualified
12 acquisition and grant personnel over-
13 seeing the use of covered funds; and

14 (v) reviewing whether there are appro-
15 priate mechanisms for interagency collabo-
16 ration relating to covered funds, including
17 coordinating and collaborating to the ex-
18 tent practicable with State and local gov-
19 ernment entities.

20 (2) REPORTS.—

21 (A) REPORTS.—The Committee shall sub-
22 mit to the President and Congress, including
23 the appropriate congressional committees, time-
24 ly alerts on current or potential management
25 and funding problems that require immediate

1 attention. The Committee also shall submit to
2 Congress such other reports as the Committee
3 considers appropriate on the use and benefits of
4 covered funds and the response of the Executive
5 Branch to the Coronavirus.

6 (B) BIENNIAL REPORTS.—The Committee
7 shall submit reports every six months to the
8 President and the appropriate congressional
9 committees, summarizing the findings of the
10 Committee and Inspectors General of agencies.
11 The Committee may submit additional reports
12 as appropriate.

13 (C) PUBLIC AVAILABILITY.—

14 (i) IN GENERAL.—All reports sub-
15 mitted under this paragraph shall be made
16 publicly available and posted on the
17 website established by subsection (e).

18 (ii) REDACTIONS.—Any portion of a
19 report submitted under this paragraph
20 may be redacted when made publicly avail-
21 able, if that portion would disclose infor-
22 mation that is not subject to disclosure
23 under sections 552 and 552a of title 5,
24 United States Code.

25 (3) RECOMMENDATIONS.—

1 (A) IN GENERAL.—The Committee, in co-
2 ordination with the member Inspectors General,
3 shall make recommendations to agencies and to
4 Congress, including the appropriate committees,
5 on measures to prevent fraud, waste, and abuse
6 relating to covered funds.

7 (B) RESPONSIVE REPORTS.—Not later
8 than 30 days after receipt of a recommendation
9 under subparagraph (A), an agency shall sub-
10 mit a report to the President, the congressional
11 committees of jurisdiction, and the appropriate
12 congressional committees, on—

13 (i) whether the agency agrees or dis-
14 agrees with the recommendations; and

15 (ii) any specific action or action plan
16 the agency will take to implement the rec-
17 ommendations.

18 (d) POWERS AND AUTHORITIES OF THE COM-
19 MITTEE.—

20 (1) IN GENERAL.—The Committee shall coordi-
21 nate and support investigations, audits and reviews
22 of spending of covered funds to avoid duplication
23 and overlap of work and ensure that there are not
24 gaps in oversight activities by the member Inspec-
25 tors General. If a gap in oversight is identified, the

1 Committee shall request that an Inspector General
2 or more than one Inspector General, designated by
3 the Chair, conduct the appropriate audit or review.

4 (2) AUDITS AND INVESTIGATIONS.—The Com-
5 mittee may—

6 (A) provide all necessary support to an In-
7 spector General or Inspectors General in the
8 conduct of investigations, audits, evaluations,
9 and reviews relating to covered funds and
10 Coronavirus response; and

11 (B) collaborate on investigations, audits
12 and reviews relating to covered funds and
13 Coronavirus response with any Inspector Gen-
14 eral of an agency or more than one Inspectors
15 General.

16 (3) AUTHORITIES.—

17 (A) AUDITS AND INVESTIGATIONS.—In
18 providing assistance to Inspectors General in
19 the conduct of investigations, audits and re-
20 views, the Committee shall have the authorities
21 provided under section 6 of the Inspector Gen-
22 eral Act of 1978 (5 U.S.C. App.). The Com-
23 mittee may issue subpoenas to compel the testi-
24 mony of persons and may enforce subpoenas in
25 the event of a refusal to obey by order of any

1 appropriate United States district court as pro-
2 vided for Inspector General subpoenas under
3 section 6 of the Inspector General Act of 1978
4 (5 U.S.C. App.).

5 (B) STANDARDS AND GUIDELINES.—The
6 Committee shall carry out the powers under
7 paragraphs (1) and (2) in accordance with sec-
8 tion 4(b)(1) of the Inspector General Act of
9 1978 (5 U.S.C. App.).

10 (C) REPORT OF REFUSALS.—Whenever in-
11 formation or assistance requested by the Com-
12 mittee or an Inspector General, is unreasonably
13 refused or not provided, the Committee shall
14 immediately report the circumstances to the ap-
15 propriate committees.

16 (D) INFORMATION AND ASSISTANCE.—
17 Upon request of the Committee for information
18 or assistance from any agency or other entity of
19 the Federal Government, or any recipient under
20 this Act, the head of such entity shall, insofar
21 as is practicable and not in contravention of
22 any existing law, and consistent with section 6
23 of the Inspector General Act of 1978, as
24 amended, furnish such information or assist-
25 ance to the Committee.

1 (4) CONTRACTS.—The Council may enter into
2 contracts to enable the Committee to discharge its
3 duties under this Act, including contracts for audits,
4 studies, analyses, and other services with public
5 agencies and private persons, and make such pay-
6 ments as may be necessary to carry out the duties
7 of the Committee.

8 (5) TRANSFER OF FUNDS.—The Council may
9 transfer funds appropriated to the Council under
10 this section for administrative support services and
11 any audits, investigations, reviews, or other activities
12 to any office of Inspector General.

13 (6) EMPLOYMENT AND PERSONNEL AUTHORI-
14 TIES.—

15 (A) IN GENERAL.—

16 (i) AUTHORITIES.—The Council may
17 exercise the authorities of subsections (b)
18 through (i) of section 3161 of title 5,
19 United States Code, (without regard to
20 subsection (a) of that section) to carry out
21 the Committee’s functions under this sec-
22 tion.

23 (ii) APPLICATION.—For purposes of
24 exercising the authorities described under
25 clause (i), the term “Chairperson of the

1 Council” shall be substituted for the term
2 “head of a temporary organization”.

3 (iii) CONSULTATION.—In exercising
4 the authorities described under clause (i),
5 the Chairperson shall consult with mem-
6 bers of the Committee.

7 (iv) EMPLOYMENT AUTHORITIES.—In
8 exercising the employment authorities
9 under subsection (b) of section 3161 of
10 title 5, United States Code, paragraph (2)
11 of subsection (b) of section 3161 of that
12 title (relating to periods of appointments)
13 shall not apply and no period of appoint-
14 ment may exceed the date on which the
15 Committee terminates under subsection (i).

16 (v) DETAIL OF PERSONNEL.—In addi-
17 tion to the authority provided by sub-
18 section (c) of section 3161 of title 5,
19 United States Code, upon the request of
20 an Inspector General, the Council may de-
21 tail, on a nonreimbursable basis, any per-
22 sonnel of the Committee to that Inspector
23 General to assist in carrying out any audit
24 or investigation referred to the Inspector
25 General by the Committee.

1 (vi) REHIRING ANNUITANTS.—The
2 Committee may employ annuitants covered
3 by section 9902(g) of title 5, United States
4 Code, for purposes of the oversight of cov-
5 ered funds or the Coronavirus response.
6 The employment of annuitants under this
7 subparagraph shall be subject to the provi-
8 sions of section 9902(g) of title 5, United
9 States Code, as if the Committee was the
10 Department of Defense.

11 (vii) COMPETITIVE STATUS.—A per-
12 son employed by the Committee shall ac-
13 quire competitive status for appointment to
14 any position in the competitive service for
15 which the employee possesses the required
16 qualifications upon the completion of 2
17 years of continuous service as an employee
18 under this subsection. No person who is
19 first employed more than 2 years after the
20 date of the enactment of this Act may ac-
21 quire competitive status under this author-
22 ity.

23 (e) COMMITTEE WEBSITE.—

24 (1) ESTABLISHMENT.—The Committee shall
25 utilize www.Oversight.gov to establish and maintain,

1 no later than 30 days after the enactment of this
2 Act, a public-facing website for accountability and
3 transparency in the use of covered funds.

4 (2) PURPOSE.—The website established and
5 maintained under paragraph (1) shall provide infor-
6 mation relating to implementation of this Act and
7 provide connections to other government websites
8 with related information.

9 (3) CONTENT AND FUNCTION.—In establishing
10 the website established and maintained under para-
11 graph (1), the Committee shall ensure the website—

12 (A) provides materials explaining what this
13 Act means for citizens in plain language and
14 shall be regularly updated;

15 (B) provides accountability information, in-
16 cluding findings from audits, investigations, or
17 reviews conducted by the Committee, Inspectors
18 General, and the Government Accountability
19 Office;

20 (C) provides data made available in a
21 searchable, sortable, downloadable, and ma-
22 chine-readable format;

23 (D) provides—

24 (i) data on how funds provided under
25 this Act are spent including through rel-

1 evant economic, financial, grant, subgrant,
2 contract, subcontract, loan, and other rel-
3 evant information with a unique, trackable
4 identification number for each project
5 where applicable; and

6 (ii) information about the process that
7 was used for the award of loans, grants, or
8 contracts, and for contracts over \$150,000,
9 an explanation of the contract agreement
10 where applicable;

11 (E) includes searchable, sortable,
12 downloadable, machine-readable reports on cov-
13 ered funds obligated by month to each State
14 and congressional district where applicable;

15 (F) includes detailed information on Fed-
16 eral Government contracts, grants, and loans
17 that expend covered funds, using, where appli-
18 cable, the data elements required by the Digital
19 Access and Transparency Act (Public Law
20 113–101), and shall allow for aggregate report-
21 ing on awards below \$50,000 or to individuals,
22 as prescribed by the Director of the Office of
23 Management and Budget;

24 (G) includes appropriate links to other gov-
25 ernment websites with information concerning

1 covered funds, including Federal agency and
2 State websites;

3 (H) provides information on Federal allo-
4 cations of formula grants and awards of com-
5 petitive grants using covered funds;

6 (I) provides, if applicable, information on
7 Federal allocations of mandatory and other en-
8 titlement programs by State, county, or other
9 appropriate geographical unit;

10 (J) be enhanced and updated as necessary
11 to carry out the purposes of this section; and

12 (K) presents the data such that funds sub-
13 awarded by recipients are not double counted in
14 search results, data visualizations or other re-
15 ports.

16 (4) WAIVER.—The Committee may exclude
17 posting contractual or other information on the
18 website on a case-by-case basis when necessary to
19 protect information that is not subject to disclosure
20 under sections 552 and 552a of title 5, United
21 States Code.

22 (f) INDEPENDENCE OF INSPECTORS GENERAL.—

23 (1) INDEPENDENT AUTHORITY.—Nothing in
24 this section shall affect the independent authority of
25 an Inspector General or the Comptroller General to

1 determine whether to conduct an audit or investiga-
2 tion of covered funds.

3 (2) REQUESTS BY COMMITTEE.—If the Com-
4 mittee requests that an Inspector General conduct or
5 refrain from conducting an audit or investigation
6 and such Inspector General rejects such request in
7 whole or in part, such Inspector General shall, not
8 later than 30 days after rejecting the request, sub-
9 mit a report to the appropriate congressional com-
10 mittees. The report shall state the reasons that such
11 Inspector General has rejected the request in whole
12 or in part.

13 (g) COORDINATION WITH THE COMPTROLLER GEN-
14 ERAL AND STATE AUDITORS.—The Committee shall co-
15 ordinate its oversight activities with the Comptroller Gen-
16 eral of the United States and State and local auditors.

17 (h) AUTHORIZATION OF APPROPRIATIONS.—For the
18 purposes of carrying out the mission of the Council of the
19 Inspectors General on Integrity and Efficiency under sec-
20 tion 11 of the Inspector General Act of 1978 (5 U.S.C.
21 App.) and to carry out this section, there are authorized
22 to be appropriated into the revolving fund described in
23 subsection (c)(3)(B) of such section, out of any amount
24 in the Treasury not otherwise appropriated, \$100,000,000
25 to carry out the duties and functions of the Council.

1 (i) TERMINATION OF THE COMMITTEE.—The Com-
2 mittee and its authorities and responsibilities shall termi-
3 nate on the later of—

4 (1) the date the last grant administered under
5 this Act is expended;

6 (2) the date the last contract administered
7 under this Act expires;

8 (3) the date the last loan or loan guarantee pro-
9 vided under this Act matures or expires, as appro-
10 priate; or

11 (4) the date the last instrument or asset ac-
12 quired by the Federal Government has been sold or
13 transferred out of the ownership or control of the
14 Federal Government, or otherwise disposed of.

15 (j) DEFINITIONS.—In this section:

16 (1) COMMITTEE.—The term “Committee”
17 means the Coronavirus Accountability and Trans-
18 parency Committee established in subsection (a).

19 (2) COVERED FUNDS.—The term “covered
20 funds” means any funds that are made available, in
21 any form, under this Act.

22 (3) RECIPIENT.—The term “recipient” means a
23 recipient of Federal funds under this Act.

24 (4) APPROPRIATE CONGRESSIONAL COMMIT-
25 TEES.—The term “appropriate congressional com-

1 mittees” means the Committees on Appropriations
2 and Homeland Security of the Senate and Commit-
3 tees on Appropriations and Oversight and Reform in
4 the House of Representatives.

5 **SEC. 130002. GAO OVERSIGHT AND AUDIT AUTHORITY.**

6 (a) **AUTHORITY.**—The Comptroller General shall con-
7 duct monitoring and oversight of the exercise of authori-
8 ties under this Act or any other Act to prepare for, re-
9 spond to, and recover from the Coronavirus pandemic and
10 the effect of the pandemic on the health, economy, and
11 public and private institutions of the United States, in-
12 cluding public health and homeland security efforts by the
13 Federal Government and the use of selected funds under
14 this or any other Act related to the Coronavirus pandemic.

15 (b) **BRIEFINGS AND REPORTS.**—In conducting moni-
16 toring and oversight under subsection (a), the Comptroller
17 General shall—

18 (1) during the period beginning on the date of
19 enactment of this Act and ending on the date on
20 which the national emergency declared by the Presi-
21 dent under the National Emergencies Act (50
22 U.S.C. 1601 et seq.) with respect to the Coronavirus
23 Disease 2019 expires, offer regular briefings on not
24 less frequently than a monthly basis to the appro-

1 appropriate congressional committees regarding Federal
2 public health and homeland security efforts;

3 (2) publish reports regarding the ongoing moni-
4 toring and oversight efforts, which, along with any
5 audits and investigations conducted by the Comp-
6 troller General, shall be submitted to the appropriate
7 congressional committees and posted on the website
8 of the Government Accountability Office—

9 (A) not later than 90 days after the date
10 of enactment of this Act, every other month
11 thereafter until the date that is 1 year after the
12 date of enactment of this Act; and

13 (B) after the period described in subpara-
14 graph (A), on a periodic basis; and

15 (3) submit to the appropriate congressional
16 committees additional reports as warranted by the
17 findings of the monitoring and oversight activities of
18 the Comptroller General.

19 (c) ACCESS TO INFORMATION.—

20 (1) RIGHT OF ACCESS.—In conducting moni-
21 toring and oversight activities under this section, the
22 Comptroller General shall have access to records,
23 upon request, of any Federal, State, or local agency,
24 contractor, grantee, recipient, or subrecipient per-
25 taining to any Federal effort or assistance of any

1 type related to Coronavirus under this Act or any
2 other Act, including private entities receiving such
3 assistance.

4 (2) COPIES.—The Comptroller General may
5 make and retain copies of any records accessed
6 under paragraph (1) as the Comptroller General de-
7 termines appropriate.

8 (3) INTERVIEWS.—In addition to such other au-
9 thorities as are available, the Comptroller General or
10 a designee of the Comptroller General may interview
11 Federal, State, or local officials, contractor staff,
12 grantee staff, recipients, or subrecipients pertaining
13 to any Federal effort or assistance of any type re-
14 lated to Coronavirus under this or any other Act, in-
15 cluding private entities receiving such assistance.

16 (4) INSPECTION OF FACILITIES.—As deter-
17 mined necessary by the Comptroller General, the
18 Government Accountability Office may inspect facili-
19 ties at which Federal, State, or local officials, con-
20 tractor staff, grantee staff, or recipients or sub-
21 recipients carry out their responsibilities related to
22 Coronavirus.

23 (5) ENFORCEMENT.—Access rights under this
24 subsection shall be subject to enforcement consistent
25 with section 716 of title 31, United States Code.

1 (d) RELATIONSHIP TO EXISTING AUTHORITY.—
2 Nothing in this section shall be construed to limit, amend,
3 supersede, or restrict in any manner any existing author-
4 ity of the Comptroller General.

5 (e) DEFINITIONS.—In this section:

6 (1) APPROPRIATE CONGRESSIONAL COMMIT-
7 TEES.—The term “appropriate congressional com-
8 mittees” means—

9 (A) the Committee on Appropriations of
10 the Senate;

11 (B) the Committee on Homeland Security
12 and Governmental Affairs of the Senate;

13 (C) the Committee on Health, Education,
14 Labor, and Pensions of the Senate;

15 (D) the Committee on Appropriations of
16 the House of Representatives;

17 (E) the Committee on Homeland Security
18 of the House of Representatives;

19 (F) the Committee on Oversight and Re-
20 form of the House of Representatives; and

21 (G) the Committee on Energy and Com-
22 merce of the House of Representatives.

23 (2) COMPTROLLER GENERAL.—The term
24 “Comptroller General” means the Comptroller Gen-
25 eral of the United States.

1 **DIVISION N—U.S. POSTAL**
2 **SERVICE PROVISIONS**

3 **SEC. 140001. ELIMINATION OF USPS DEBT; ADDITIONAL**
4 **BORROWING AUTHORITY.**

5 (a) **IN GENERAL.**—Notwithstanding any other provi-
6 sion of law—

7 (1) any outstanding debt of the United States
8 Postal Service owed to the Treasury pursuant to sec-
9 tions 2005 and 2011 of title 5, United States Code,
10 on the date of the enactment of this Act is hereby
11 cancelled; and

12 (2) after the date of the enactment of this Act,
13 the United States Postal Service is authorized to
14 borrow money from the Treasury in an amount not
15 to exceed \$15,000,000,000 to carry out the duties
16 and responsibilities of the Postal Service, including
17 those under title 39, United States Code, and the
18 Secretary of the Treasury shall lend up to such
19 amount at the request of the Postal Service.

20 (b) **REPEAL OF FISCAL YEAR BORROWING LIMIT.**—
21 Section 2005(a)(1) of title 39, United States Code, is
22 amended by striking “In any one fiscal year,” and all that
23 follows through the period.

1 **SEC. 140002. PRIORITIZATION OF DELIVERY FOR MEDICAL**
2 **PURPOSES DURING COVID-19 EMERGENCY.**

3 Notwithstanding any other provision of law, the
4 United States Postal Service—

5 (1) shall prioritize delivery of postal products
6 for medical purposes during the emergency, declared
7 by the President under section 501 of the Robert T.
8 Stafford Disaster Relief and Emergency Assistance
9 Act (42 U.S.C. 5191) on March 13, 2020, based on
10 the outbreak of COVID-19;

11 (2) may establish temporary delivery points, in
12 such form and manner as the Postal Service deter-
13 mines necessary, to protect employees of the Postal
14 Service and individuals receiving deliveries from the
15 Postal Service; and

16 (3) may institute flexible delivery, in such form
17 and manner as the Postal Service determines nec-
18 essary, in the event operations or employees of the
19 Postal Service are impacted by the COVID-19 out-
20 break described in paragraph (1).

1 **DIVISION O—FEDERAL**
2 **WORKFORCE PROVISIONS**

3 **SEC. 150001. REIMBURSEMENT FOR CHILD AND FAMILY**
4 **CARE FOR FEDERAL EMPLOYEES DURING**
5 **COVID-19 PANDEMIC.**

6 (a) **IN GENERAL.**—During the period beginning on
7 the date of enactment of this Act and ending on December
8 31, 2020, any employee who is unable to care for a de-
9 pendent child of the employee or a relative of the employee
10 who has COVID-19 as a result of the employee being re-
11 quired to report to their duty station (either permanent
12 or temporary) or to telework shall be entitled to reim-
13 bursement for the costs of such care.

14 (b) **APPLICATION.**—

15 (1) **IN GENERAL.**—Any payment provided by
16 operation of subsection (a) shall be paid on a month-
17 ly basis, with payments being made to the employee
18 on the last day of each month.

19 (2) **SUBMISSION OF RECEIPTS.**—For purposes
20 of determining reimbursement amounts, each em-
21 ployee shall submit to their employing office receipts
22 or other documents as the office may require.

23 (3) **LIMIT.**—Reimbursement may not be paid to
24 any employee under this section for any month in an
25 amount greater than \$2,000 per child or relative.

1 (c) DEFINITIONS.—In this section—

2 (1) the term “employee” means any individual
3 occupying a position in the civil service (as that term
4 is defined in section 2101(1) of title 5, United
5 States Code); and

6 (2) the terms “dependent child” and “relative”
7 have the meaning given those terms in paragraphs
8 (2) and (16), respectively, of section 109 of the Eth-
9 ics in Government Act of 1978 (5 U.S.C. App.
10 109(2)).

11 **SEC. 150002. FEDERAL CONTRACTOR REIMBURSEMENT.**

12 Not later than 10 calendar days after the date of the
13 enactment of this Act, the Director of the Office of Man-
14 agement and Budget, in consultation with the Adminis-
15 trator of the Office of Federal Procurement Policy, shall
16 issue guidance to the head of each executive agency to pro-
17 vide equitable adjustment for any contractor under a con-
18 tract with the Federal Government whose work was dis-
19 rupted as a result of measures taken with respect to
20 COVID–19. For purposes of this section, work disruption
21 shall include denial of access to Federal facilities, supply
22 chain disruptions, use of annual leave by individuals em-
23 ployed to fulfill the contract, and furloughs of individuals
24 employed to fulfill the contract.

1 **SEC. 150003. WEATHER AND SAFETY LEAVE FOR COVID-19.**

2 (a) IN GENERAL.—Beginning on the date of enact-
3 ment of this Act and ending on December 31, 2020, sub-
4 section (b)(3) of section 6329c of title 5, United States
5 Code, shall be applied by substituting “approved location,
6 including by reason of the inability to travel or access work
7 stations as a result of COVID-19” for “approved loca-
8 tion”.

9 (b) APPROVED LOCATION.—Such section is amended
10 in subsection (a)—

11 (1) by striking “and” at the end of paragraph
12 (1);

13 (2) by striking the period at the end of para-
14 graph (2) and inserting “; and”; and

15 (3) by adding at the end the following:

16 “(3) the term ‘approved location’ means any lo-
17 cation at which an employee has been approved to
18 perform work, including any Federal office, a tele-
19 working site, or other location as determined by the
20 head of the agency at which the employee is em-
21 ployed.”.

22 (c) RULE OF CONSTRUCTION.—Notwithstanding sub-
23 paragraph (B) of subsection (a)(2) of such section, inter-
24 mittent employees described in such subparagraph shall
25 be eligible for the leave provided by operation of subsection
26 (a) of this section.

1 **SEC. 150004. COVID-19 TELEWORKING REQUIREMENTS FOR**
2 **FEDERAL EMPLOYEES.**

3 (a) MANDATED TELEWORK.—

4 (1) IN GENERAL.—Effective immediately upon
5 the date of enactment of this Act, the head of any
6 Federal agency shall require any employee of such
7 agency who is authorized to telework under chapter
8 65 of title 5, United States Code, or any other provi-
9 sion of law to telework during the period beginning
10 on the date of enactment of this Act and ending on
11 December 31, 2020.

12 (2) DEFINITIONS.—In this subsection—

13 (A) the term “employee” means any indi-
14 vidual occupying a position in the civil service
15 (as that term is defined in section 2101(1) of
16 title 5, United States Code); and

17 (B) the term “telework” has the meaning
18 given that term in section 6501(3) of such title.

19 (b) TELEWORK PARTICIPATION GOALS.—Chapter 65
20 of title 5, United States Code, is amended as follows:

21 (1) In section 6502—

22 (A) in subsection (b)—

23 (i) in paragraph (4), by striking
24 “and” at the end;

1 (ii) in paragraph (5), by striking the
2 period at the end and inserting a semi-
3 colon; and

4 (iii) by adding at the end the fol-
5 lowing:

6 “(6) include annual goals for increasing the
7 percent of employees of the executive agency partici-
8 pating in teleworking—

9 “(A) three or more days per pay period;

10 “(B) one or 2 days per pay period;

11 “(C) once per month; and

12 “(D) on an occasional, episodic, or short-
13 term basis; and

14 “(7) include methods for collecting data on, set-
15 ting goals for, and reporting costs savings to the ex-
16 ecutive agency achieved through teleworking, con-
17 sistent with the guidance developed under section
18 150004(c) of the Take Responsibility for Workers
19 and Families Act.”; and

20 (B) by adding at the end the following:

21 “(d) NOTIFICATION FOR REDUCTION IN TELE-
22 WORKING PARTICIPATION.—Not later than 30 days before
23 the date that an executive agency implements or modifies
24 a teleworking plan that would reduce the percentage of
25 employees at the agency who telework, the head of the ex-

1 ecutive agency shall provide written notification, including
2 a justification for the reduction in telework participation
3 and a description of how the agency will pay for any in-
4 creased costs resulting from that reduction, to—

5 “(1) the Director of the Office of Personnel
6 Management;

7 “(2) the Committee on Oversight and Reform
8 of the House of Representatives; and

9 “(3) the Committee on Homeland Security and
10 Governmental Affairs of the Senate.

11 “(e) PROHIBITION ON AGENCY-WIDE LIMITS ON
12 TELEWORKING.—An agency may not prohibit any delin-
13 eated period of teleworking participation for all employees
14 of the agency, including the periods described in subpara-
15 graphs (A) through (D) of subsection (b)(6). The agency
16 shall make any teleworking determination with respect to
17 an employee or group of employees at the agency on a
18 case-by-case basis.”.

19 (2) In section 6506(b)(2)—

20 (A) in subparagraph (F)(vi), by striking
21 “and” at the end;

22 (B) in subparagraph (G), by striking the
23 period at the end and inserting a semicolon;
24 and

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

1 “(H) agency cost savings achieved through
2 teleworking, consistent with the guidance devel-
3 oped under section 2(c) of the Telework Metrics
4 and Cost Savings Act; and

5 “(I) a detailed explanation of a plan to in-
6 crease the Government-wide teleworking partici-
7 pation rate above such rate applicable to fiscal
8 year 2016, including agency-level plans to main-
9 tain or improve such rate for each of the tele-
10 working frequency categories listed under sub-
11 paragraph (A)(iii).”.

12 (c) GUIDANCE.—Not later than 90 days after the
13 date of the enactment of this Act, the Director of the Of-
14 fice of Personnel Management, in collaboration with the
15 Chief Human Capital Officer Council, shall establish uni-
16 form guidance for agencies on how to collect data on, set
17 goals for, and report cost savings achieved through, tele-
18 working. Such guidance shall account for cost savings re-
19 lated to travel, energy use, and real estate.

20 (d) TECHNICAL CORRECTION.—Section 6506(b)(1)
21 of title 5, United States Code, is amended by striking
22 “with Chief” and inserting “with the Chief”.

1 **SEC. 150005. PAY DIFFERENTIAL FOR DUTY RELATED TO**
2 **COVID-19.**

3 (a) IN GENERAL.—Section 5545 of title 5, United
4 States Code, is amended by adding at the end the fol-
5 lowing:

6 “(e)(1) The Office shall establish a schedule or sched-
7 ules of pay differentials for duty during which an employee
8 is exposed to an individual who has (or who has been ex-
9 posed to) COVID-19.

10 “(2) Under such regulations as the Office may pre-
11 scribe, during the period beginning on March 15, 2020,
12 and ending on September 30, 2020, an employee to whom
13 chapter 51 and subchapter III of chapter 53 applies, and
14 an employee appointed under chapter 73 or 74 of title 38,
15 is entitled to be paid the differential under paragraph (1)
16 for any period in which the employee is carrying out the
17 duty described in such paragraph.”.

18 (b) TSA EMPLOYEES.—Section 111(d)(2) of the
19 Aviation and Transportation Security Act (49 U.S.C.
20 44935 note) is amended by adding at the end the fol-
21 lowing:

22 “(C) HAZARDOUS DUTY PAY FOR COVID-
23 19.—The provisions of section 5545(e) of title
24 5, United States Code, shall to apply to any in-
25 dividual appointed under paragraph (1).”.

1 **SEC. 150006. WORKERS' COMPENSATION FOR CERTAIN FED-**
2 **ERAL EMPLOYEES WHO CONTRACT COVID-19.**

3 (a) IN GENERAL.—Chapter 81 of title 5, United
4 States Code, is amended by—

5 (1) by redesignating section 8152 as section
6 8153; and

7 (2) by inserting after section 8151 the fol-
8 lowing:

9 **“§ 8152. Workers' compensation for certain Federal**
10 **employees who contract COVID-19**

11 “(a) Any employee described in subsection (b) who
12 is diagnosed with COVID-19 (as defined in _____)
13 during the period between January 30, 2020, and January
14 30, 2022, shall, upon application, presumptively be enti-
15 tled to disability compensation, medical services, and any
16 other benefit provided under this chapter.

17 “(b) An employee described in this subsection is any
18 of the following:

19 “(1) An employee whose duties involve the pro-
20 vision of health care or protection of public health
21 performance of duties in a health care facility or op-
22 eration.

23 “(2) A first responder.

24 “(3) A law enforcement officer (as that term is
25 defined in section 8331(20) or 8401(17)).

26 “(4) A transportation security officer.

1 “(5) An employee of the United States Postal
2 Service, Department of Veterans Affairs, Veterans
3 Health Administration, and Indian Health Services.

4 “(6) Any employee carrying out duties that re-
5 quire substantial contact with the public.

6 “(7) Any employee whose duties include a rec-
7 ognized risk of exposure to the coronavirus (as that
8 term is defined in section 506 of the Coronavirus
9 Preparedness and Response Supplemental Appro-
10 priations Act, 2020).”.

11 (b) CLERICAL AMENDMENT.—The table of sections
12 for such chapter is amended—

13 (1) by redesignating the item relating to section
14 8152 as section 8153; and

15 (2) by inserting after the item relating to sec-
16 tion 8151 the following:

 “8152. Workers’ compensation for certain Federal employees who contract
 COVID-19.”.

17 **DIVISION P—FEDERAL EM-**
18 **EMPLOYEE COLLECTIVE BAR-**
19 **GAINING AND OFFICIAL TIME**

20 **SEC. 160001. SHORT TITLE.**

21 This division may be cited as the “Protecting Collec-
22 tive Bargaining and Official Time for Federal Workers
23 Act”.

1 **SEC. 160002. FINDINGS.**

2 Congress finds the following:

3 (1) Federal Unions play a critical role in pro-
4 tecting the rights of Federal workers by allowing
5 members to have a collective voice on the job and in
6 the legislative process, advance issues for working
7 families, ensure equal opportunities for all workers,
8 and raise the standards by which all professional
9 and technical workers are employed.

10 (2) Collective bargaining is essential to the
11 union process, because it provides mutual agreement
12 between all parties that fosters harmonious relation-
13 ships between the Federal Government and its em-
14 ployees and protects the interest of both parties.

15 (3) The current administration has acted
16 through Executive Orders and official memorandums
17 to dismantle Federal Unions and undermine their
18 collective bargaining rights across the Federal work-
19 force and these directives have already negatively
20 impacted labor contracts, both signed and under ac-
21 tive negotiation.

22 (4) These orders set an aggressive schedule for
23 unions to engage in collective bargaining, while also
24 slashing the unions official time for performing
25 union duties by over 91 percent in some cases.
26 These actions are limiting the ability for unions to

1 prepare for negotiations and perform their legally re-
2 quired employee representational duties.

3 (5) Section 7101(a) of title 5, United States
4 Code, states, “Congress finds that labor organiza-
5 tions and collective bargaining in the civil service are
6 in the public interest.”. Attempting to eliminate the
7 Union by eliminating almost all its official time re-
8 pudiates the statutory position that unions are in
9 the public interest.

10 (6) Through these orders, agencies are required
11 to comply with artificial bargaining schedules, which
12 undermine good faith negotiations and divert the de-
13 cision-making to an impasse panel, which has no
14 union representation on it and does not represent
15 both parties.

16 (7) Collectively, the administration’s actions
17 have violated Congressional intent, undermined the
18 ability of unions to engage in collective bargaining,
19 and threatened the rights and benefits of millions of
20 Federal workers.

1 **SEC. 160003. NULLIFICATION OF EXECUTIVE ORDERS RE-**
2 **LATING TO FEDERAL EMPLOYEE COLLEC-**
3 **TIVE BARGAINING.**

4 Each of the following Executive Orders and presi-
5 dential memorandum are rescinded and shall have no force
6 or effect:

7 (1) Executive Order 13837 (relating to the use
8 of official time).

9 (2) Executive Order 13836 (relating to Federal
10 collective bargaining).

11 (3) Executive Order 13839 (relating to the
12 Merit Systems Protection Board).

13 (4) The Presidential Memorandum on the Dele-
14 gation of Certain Authority under the Federal Serv-
15 ice Labor-Management Relations Statute, issued to
16 the Secretary of Defense on January 29, 2020.

17 **DIVISION** **Q—VETERAN**
18 **CORONAVIRUS** **RESPONSE**
19 **ACT OF 2020**

20 **SEC. 170001. SHORT TITLE.**

21 This division may be cited as the “Student Veteran
22 Coronavirus Response Act of 2020”.

1 **SEC. 170002. PAYMENT OF WORK-STUDY ALLOWANCES DUR-**
2 **ING EMERGENCY SITUATIONS.**

3 Section 3485 of title 38, United States Code, is
4 amended by adding at the end the following new sub-
5 section:

6 “(f)(1) In case of an individual who is in receipt of
7 work-study allowance pursuant to an agreement described
8 in subsection (a)(3) as of the date on which an emergency
9 situation occurs and who is unable to continue to perform
10 qualifying work-study activities described in subsection
11 (a)(4) by reason of the emergency situation—

12 “(A) the Secretary may continue to pay work-
13 study allowance under this section or make deduc-
14 tions described in subsection (e)(1) during the pe-
15 riod of such emergency situation, notwithstanding
16 the inability of the individual to perform such work-
17 study activities by reason of such emergency situa-
18 tion; and

19 “(B) at the option of the individual, the Sec-
20 retary shall extend the agreement described in sub-
21 section (a)(3) with the individual for any subsequent
22 period of enrollment initiated during the emergency
23 situation, notwithstanding the inability of the indi-
24 vidual to perform work-study activities described in
25 subsection (a)(4) by reason of such emergency situa-
26 tion.

1 “(2) The amount of work-study allowance payable to
2 an individual under paragraph (1)(A) during the period
3 of an emergency situation shall be an amount determined
4 by the Secretary but may not exceed the amount that
5 would be payable under subsection (a)(2) if the individual
6 worked 25 hours per week paid during such period.”.

7 **SEC. 170003. PAYMENT OF ALLOWANCES TO VETERANS EN-**
8 **ROLLED IN EDUCATIONAL INSTITUTIONS**
9 **CLOSED FOR EMERGENCY SITUATIONS.**

10 (a) TEMPORARY PROVISION.—

11 (1) IN GENERAL.—During the period beginning
12 on March 1, 2020, and ending on December 21,
13 2020, the Secretary may pay allowances to an eligi-
14 ble veteran or eligible person under section
15 3680(a)(2)(A) of title 38, United States Code, if the
16 veteran or person is enrolled in a program or course
17 of education that—

18 (A) is provided by an educational institu-
19 tion that is closed by reason of an emergency
20 situation; or

21 (B) is suspended by reason of an emer-
22 gency situation.

23 (2) AMOUNT OF ALLOWANCE.—The total num-
24 ber of weeks for which allowances may be paid under
25 this section may not exceed four weeks.

1 (3) NOT COUNTED FOR PURPOSES OF LIMITA-
2 TION.—Any amount paid under this section shall not
3 be counted for purposes of the limitation on
4 allowanced under section 3680(a)(2)(A) of title 38,
5 United States Code.

6 (b) PERMANENT PROVISION.—Section 3680(a)(2) of
7 title 38, United States Code, is amended—

8 (1) in subparagraph (A), by striking “12-
9 month” and inserting “six-month”; and

10 (2) in subparagraph (B)—

11 (A) by striking “or following” and insert-
12 ing “during periods following”; and

13 (B) by inserting after “section
14 3699(b)(1)(B) of this title,” the following: “, or
15 during periods when a course of study or pro-
16 gram of education is temporarily closed or ter-
17 minated by reason of an emergency situation,”.

18 **SEC. 170004. PROHIBITION OF CHARGE TO ENTITLEMENT**
19 **OF STUDENTS UNABLE TO PURSUE A PRO-**
20 **GRAM OF EDUCATION DUE TO AN EMER-**
21 **GENCY SITUATION.**

22 Section 3699(b)(1) of title 38, United States Code,
23 is amended—

24 (1) in subparagraph (A), by striking “or” at
25 the end;

1 (2) in subparagraph (B)(ii), by striking “and”
2 at the end and inserting “or” ; and

3 (3) by adding at the end the following new sub-
4 paragraph:

5 “(C) the temporary closure of an edu-
6 cational institution or the temporary closure or
7 termination of a course or program of education
8 by reason of an emergency situation; and”.

9 **SEC. 170005. EXTENSION OF TIME LIMITATIONS FOR USE**
10 **OF ENTITLEMENT.**

11 (a) MONTGOMERY GI BILL.—Section 3031 of title
12 38, United States Code, is amended by adding at the end
13 the following new subsection:

14 “(i) In the case of an individual eligible for edu-
15 cational assistance under this chapter who is prevented
16 from pursuing the individual’s chosen program of edu-
17 cation before the expiration of the 10-year period for the
18 use of entitlement under this chapter otherwise applicable
19 under this section because the educational institution
20 closed (temporarily or permanently) under an established
21 policy based on an Executive order of the President or
22 due to an emergency situation, such 10-year period—

23 “(1) shall not run during the period the indi-
24 vidual is so prevented from pursuing such program;
25 and

1 “(2) shall again begin running on the first day
2 after the individual is able to resume pursuit of a
3 program of education with educational assistance
4 under this chapter.”.

5 (b) POST-9/11 EDUCATIONAL ASSISTANCE.—

6 (1) IN GENERAL.—Section 3321(b)(1) of such
7 title is amended—

8 (A) by inserting “(A)” before “Sub-
9 sections”;

10 (B) by striking “and (d)” and inserting
11 “(d), and (i)”; and by adding at the end the fol-
12 lowing new subparagraph:

13 “(B) Subsection (i) of section 3031 shall apply
14 with respect to the running of the 15-year period de-
15 scribed in paragraphs (4)(A) and (5)(A) of this sub-
16 section in the same manner as such subsection ap-
17 plies under section 3031 with respect to the running
18 of the 10-year period described in section 3031(a).”.

19 (2) TRANSFER PERIOD.—Section 3319(h)(5) is
20 amended—

21 (A) in subparagraph (A) by inserting “or
22 (C)” after “subparagraph (B)”; and

23 (B) by adding at the end the following new
24 subparagraph:

1 “(C) EMERGENCY SITUATIONS.—In any
2 case in which the Secretary determines that an
3 individual to whom entitlement is transferred
4 under this section has been prevented from pur-
5 suing the individual’s chosen program of edu-
6 cation before the individual attains the age of
7 26 years because the educational institution
8 closed (temporarily or permanently) under an
9 established policy based on an Executive order
10 of the President or due to an emergency situa-
11 tion, the Secretary shall extend the period dur-
12 ing which the individual may use such entitle-
13 ment for a period equal to the number of
14 months that the individual was so prevented
15 from pursuing the program of education, as de-
16 termined by the Secretary.”.

17 (e) VOCATIONAL REHABILITATION AND TRAINING.—

18 (1) PERIOD FOR USE.—Section 3103 of such
19 title is amended—

20 (A) in subsection (a), by striking “or (e)”
21 and inserting “(e), or (g)”; and

22 (B) by adding at the end the following new
23 subsection:

24 “(g) In any case in which the Secretary determines
25 that a veteran has been prevented from participating in

1 a vocational rehabilitation program under this chapter
2 within the twelve-year period of eligibility prescribed in
3 subsection (a) by reason of an Executive order of the
4 President or due to an emergency situation, such twelve-
5 year period—

6 “(1) shall not run during the period the indi-
7 vidual is so prevented from participating such pro-
8 gram; and

9 “(2) shall again begin running on the first day
10 after the individual is able to resume participation in
11 such program.”.

12 (2) DURATION OF PROGRAM.—Section 3105(b)
13 of such title is amended—

14 (A) in paragraph (1), by striking “para-
15 graph (2)” and inserting “paragraphs (2) and
16 (3)”; and

17 (B) by adding at the end the following new
18 paragraph:

19 “(3)(A) In any case in which the Secretary deter-
20 mines that a veteran has been prevented from partici-
21 pating in counseling and placement and postplacement
22 services described in section 3104(a)(2) and (5) of this
23 title by reason of an Executive order of the President or
24 due to an emergency situation, the Secretary shall extend
25 the period during which the Secretary may provide such

1 counseling and placement and postplacement services for
2 the veteran for a period equal to the number of months
3 that the veteran was so prevented from participating in
4 such counseling and services, as determined by the Sec-
5 retary.

6 “(B) In any case in which the Secretary determines
7 that a veteran has been prevented from participating in
8 a vocational rehabilitation program under this chapter by
9 reason of an Executive order of the President or due to
10 an emergency situation, the Secretary shall extend the pe-
11 riod of the veteran’s vocational rehabilitation program for
12 a period equal to the number of months that the veteran
13 was so prevented from participating in the vocational re-
14 habilitation program, as determined by the Secretary.”.

15 (d) EDUCATIONAL ASSISTANCE FOR MEMBERS OF
16 THE SELECTED RESERVE.—Section 16133(b) of title 10,
17 United States Code, is amended by adding at the end the
18 following new paragraph:

19 “(5) In any case in which the Secretary concerned
20 determines that a person entitled to educational assistance
21 under this chapter has been prevented from using such
22 person’s entitlement by reason of an Executive order of
23 the President or due to an emergency situation, the Sec-
24 retary concerned shall extend the period of entitlement
25 prescribed in subsection (a) for a period equal to the num-

1 ber of months that the person was so prevented from using
2 such entitlement, as determined by the Secretary.”.

3 **SEC. 170006. RESTORATION OF ENTITLEMENT TO REHA-**
4 **BILITATION PROGRAMS FOR VETERANS AF-**
5 **FECTED BY SCHOOL CLOSURE OR DIS-**
6 **APPROVAL.**

7 (a) ENTITLEMENT.—Section 3699 of title 38, United
8 States Code, is amended by striking “chapter 30,” each
9 time it appears and inserting “chapter 30, 31,”.

10 (b) PAYMENT OF SUBSISTENCE ALLOWANCES.—Sec-
11 tion 3680(a)(2)(B) of title 38, United States Code, is
12 amended—

13 (1) by inserting “or a subsistence allowance de-
14 scribed in section 3108” before “, during”; and

15 (2) by inserting “or allowance” after “such a
16 stipend”.

17 (c) EFFECTIVE DATE.—The amendments made by
18 this section shall apply as if included in the enactment
19 of section 109 of the Harry W. Colmery Veterans Edu-
20 cational Assistance Act of 2017 (Public Law 115–48; 131
21 Stat. 978).

22 **SEC. 170007. EXTENSION OF PAYMENT OF VOCATIONAL RE-**
23 **HABILITATION SUBSISTENCE ALLOWANCES.**

24 In the case of any veteran who the Secretary of Vet-
25 erans Affairs determines is satisfactorily following a pro-

1 gram of employment services provided under section
2 3104(a)(5) of title 38, United States Code, during period
3 beginning on March 1, 2020, and ending on December 21,
4 2020, the Secretary may pay the veteran a subsistence al-
5 lowance, as prescribed in section 3108 of such title for
6 full-time training for the type of program that the veteran
7 was pursuing, for two additional months.”.

8 **SEC. 170008. INCREASE OF AMOUNT OF DEPARTMENT OF**
9 **VETERANS AFFAIRS PAYMENTS FOR AID AND**
10 **ATTENDANCE DURING EMERGENCY PERIOD**
11 **RESULTING FROM COVID-19 PANDEMIC.**

12 (a) IN GENERAL.—During the covered period, the
13 Secretary of Veterans Affairs shall apply each of the fol-
14 lowing provisions of title 38, United States Code, by sub-
15 stituting for the dollar amount in such provision the
16 amount equal to 125 percent of the dollar amount that
17 was in effect under such provision on the date of the en-
18 actment of this Act:

19 (1) Subsections (l), (m), and (r) of section
20 1114.

21 (2) Paragraphs (1) and (2) of subsection (d) of
22 section 1521.

23 (3) Paragraphs (2) and (4) of subsection (f) of
24 section 1521.

1 (b) COVERED PERIOD.—In this section, the covered
2 period is the period that begins on the date of the enact-
3 ment of this Act and ends 60 days after the last day of
4 the emergency period (as defined in section 1135(g)(1) of
5 the Social Security Act (42 U.S.C. 1320b–5(g)(1))) result-
6 ing from the COVID–19 pandemic.

7 **SEC. 170009. TREATMENT OF WORK INJURY COMPENSA-**
8 **TION CLAIMS FILED BY EMPLOYEES OF THE**
9 **DEPARTMENT OF VETERANS AFFAIRS FOR**
10 **COVID–19.**

11 (a) ELIGIBILITY.—Notwithstanding section 7425(b)
12 of title 38, United States Code, or any other provision of
13 law, each employee of the Department of Veterans Affairs
14 (including employees under chapter 74 of such title) shall
15 be treated as an employee under chapter 81 of title 5,
16 United States Code, for purposes of making claims under
17 such chapter relating to coronavirus disease 2019
18 (COVID–19).

19 (b) PRESUMPTION.—If an employee of the Depart-
20 ment of Veterans Affairs described in subsection (a) con-
21 tracts coronavirus disease 2019 (COVID–19), such dis-
22 ease shall be presumed to have been proximately caused
23 by the employment of the employee for purposes of claims
24 made under chapter 81 of title 5, United States Code.

1 **SEC. 170010. DEFERRAL OF CERTAIN DEBTS ARISING FROM**
2 **LAWS ADMINISTERED BY THE SECRETARY OF**
3 **VETERANS AFFAIRS.**

4 (a) IN GENERAL.—With regard to a covered debt, the
5 Secretary of Veterans Affairs, during the covered period,
6 may not take any of the following actions:

7 (1) Collect a payment (including by the offset
8 of any payment by the Secretary).

9 (2) Record such a debt.

10 (3) Issue notice of such a debt to an individual
11 or a consumer reporting agency.

12 (4) Allow any interest to accrue.

13 (5) Apply any administrative fee.

14 (b) EXCEPTION.—Notwithstanding subsection (a),
15 the Secretary may collect a payment regarding a covered
16 debt (including interest or any administrative fee) from
17 an individual who elects to make such a payment during
18 the covered period.

19 (c) DEFINITIONS.—In this section:

20 (1) The term “consumer reporting agency” has
21 the meaning given that term in section 5701 of title
22 38, United States Code.

23 (2) The term “covered debt” means a debt
24 owed—

25 (A) by an individual to the United States;

26 and

1 (B) arising from a covered law.

2 (3) The term “covered law” means any law ad-
3 ministered by the Secretary of Veterans Affairs
4 through—

5 (A) the Under Secretary for Health; or

6 (B) the Under Secretary of Benefits.

7 (4) The term “covered period” means—

8 (A) the COVID–19 emergency period; and

9 (B) the 60 days immediately following the
10 date of the end of the COVID–19 emergency
11 period.

12 (5) The term “COVID–19 emergency period”
13 means the emergency period described in section
14 1135(g)(1)(B) of the Social Security Act (42 U.S.C.
15 1320b–5(g)(1)(B)).

16 **DIVISION R—AVIATION WORKER**
17 **RELIEF**

18 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

19 (a) **SHORT TITLE.**—This division may be cited as the
20 “Aviation Worker Relief Act of 2020”.

21 (b) **TABLE OF CONTENTS.**—The table of contents for
22 this division is as follows:

DIVISION R—AVIATION WORKER RELIEF

Sec. 1. Short title; table of contents.

Sec. 2. Definitions.

TITLE I—AVIATION WORKER RELIEF

Sec. 101. Pandemic relief for aviation workers.

- Sec. 102. Procedures for financial assistance.
- Sec. 103. Terms and conditions.
- Sec. 104. Reports.
- Sec. 105. Coordination.

TITLE II—LABOR PROTECTIONS

- Sec. 201. Assistance irrespective of labor costs.
- Sec. 202. Collective bargaining and snap-back.
- Sec. 203. Protection of organizing activity.
- Sec. 204. Working and travel conditions.
- Sec. 205. Labor union representation on air carrier boards.
- Sec. 206. Furloughed worker protections.
- Sec. 207. Healthcare for unprotected workers.
- Sec. 208. Employee wages and leave.
- Sec. 209. Limitation on rejection of collective bargaining agreements.
- Sec. 210. Increased wage priority.
- Sec. 211. Rejection of collective bargaining agreements.

TITLE III—AIRLINE INDUSTRY FINANCIAL OVERSIGHT

- Sec. 301. Creation of Office of Airline Industry Financial Oversight.
- Sec. 302. Responsibilities of Office of Airline Industry Financial Oversight.
- Sec. 303. Access to information.
- Sec. 304. Reports to Congress.
- Sec. 305. Rulemaking authority.
- Sec. 306. Authorization of appropriations.

TITLE IV—AIRPORT RELIEF

- Sec. 401. Emergency pandemic funding for airports.
- Sec. 402. Maintaining pre-crisis airport improvement program levels.
- Sec. 403. National aviation preparedness plan.

TITLE V—SMALL COMMUNITY AIR SERVICE

- Sec. 501. Continuation of certain air service.
- Sec. 502. Tolling of EAS limitations.
- Sec. 503. Sunset.

TITLE VI—CONSUMER PROTECTIONS

- Sec. 601. Airline price gouging during disaster or emergency.
- Sec. 602. Airline refunds during national disasters or emergencies.
- Sec. 603. Conditions on airline ancillary fees.

TITLE VII—ENVIRONMENTAL PROTECTIONS

- Sec. 701. Sustainable aviation fuel development program.
- Sec. 702. Airline Assistance to Recycle and Save Program.
- Sec. 703. Expansion of voluntary airport low emission program.
- Sec. 704. Airline carbon emissions offsets and goals.
- Sec. 705. Research and development of sustainable aviation fuels.
- Sec. 706. Improving consumer information regarding release of greenhouse gases from flights.
- Sec. 707. Study on certain climate change mitigation efforts.

TITLE VIII—MISCELLANEOUS

Sec. 801. Separability.

Sec. 802. Application of law.

1 **SEC. 2. DEFINITIONS.**

2 Unless otherwise specified, the terms in section
3 40102(a) of title 49, United States Code, shall apply to
4 this division, except that—

5 (1) the term “contractor” means a person that
6 performs airport ground support or catering func-
7 tions under contract with a passenger air carrier;
8 and

9 (2) the term “employee” means an individual,
10 other than a corporate officer, who is employed by
11 an air carrier or contractor.

12 **TITLE I—AVIATION WORKER**
13 **RELIEF**

14 **SEC. 101. PANDEMIC RELIEF FOR AVIATION WORKERS.**

15 (a) **FINANCIAL ASSISTANCE.**—Notwithstanding any
16 other provision of law, the President shall take the fol-
17 lowing actions to preserve aviation jobs and compensate
18 airline industry workers:

19 (1) Issue grants that shall exclusively be used
20 for the continuation of payment of employee wages,
21 salaries, and benefits to—

22 (A) specified entities, in an aggregate
23 amount equal to \$37,000,000,000; and

1 (B) contractors of air carriers, in an ag-
2 gregate amount equal to \$3,000,000,000.

3 (2) Subject to section 102(c), issue unsecured
4 loans and loan guarantees to air carriers in amounts
5 that do not, in the aggregate, exceed
6 \$21,000,000,000.

7 (b) ASSURANCES.—To be eligible for assistance
8 under this section, an air carrier shall enter into an agree-
9 ment with the Secretary of Transportation, or otherwise
10 certify, as determined appropriate by the President, that
11 such air carrier shall comply with any actions required
12 under this division.

13 (c) ADMINISTRATIVE EXPENSES.—Notwithstanding
14 any other provision of law, the Secretary may use
15 \$100,000,000 of the funds made available under section
16 101(a)(2) for costs and administrative expenses associated
17 with the provision of loans or guarantees authorized under
18 such section.

19 (d) SPECIFIED ENTITY DEFINED.—In this section,
20 the term “specified entity” means—

21 (1) an air carrier that is authorized to conduct
22 operations under part 121 of title 14, Code of Fed-
23 eral Regulations; or

1 (2) an air carrier that is authorized to conduct
2 operations under part 135 of title 14, Code of Fed-
3 eral Regulations, that—

4 (A) transports passengers by aircraft on a
5 scheduled basis; or

6 (B) transports property or mail by aircraft
7 on a scheduled or unscheduled basis.

8 **SEC. 102. PROCEDURES FOR FINANCIAL ASSISTANCE.**

9 (a) **AWARDABLE AMOUNTS.**—The President shall dis-
10 burse grants under section 101(a)(1)—

11 (1) to a specified entity (as such term is defined
12 in section 101(d)), in an amount equal to the sala-
13 ries and benefits reported by the air carrier to the
14 Department of Transportation pursuant to part 241
15 of title 14, Code of Federal Regulations, for the pe-
16 riod from April 1, 2019, through September 30,
17 2019;

18 (2) to a specified entity (as such term is defined
19 in section 101(d)) that does not transmit reports
20 under such part 241, in an amount that such air
21 carrier certifies, using sworn financial statements or
22 other appropriate data, as the amount of wages, sal-
23 aries, benefits, and other compensation that such air
24 carrier paid the employees of such air carrier during

1 the period from April 1, 2019, through September
2 30, 2019; and

3 (3) to a contractor, in an amount that the con-
4 tractor certifies, using sworn financial statements or
5 other appropriate data, as the amount of wages, sal-
6 aries, benefits, and other compensation that such
7 contractor paid the employees of such contractor
8 during the period from April 1, 2019, through Sep-
9 tember 30, 2019.

10 (b) DEADLINES AND PROCEDURES.—

11 (1) PROCEDURES.—The President shall publish
12 streamlined and expedited procedures—

13 (A) not later than 5 days after the date of
14 enactment of this Act for air carriers and con-
15 tractors to submit requests for compensation
16 under section 101(a)(1); and

17 (B) not later than 30 days after the date
18 of enactment of this Act for air carriers to sub-
19 mit requests for loans and loan guarantees
20 under section 101(a)(2).

21 (2) ISSUANCE OF GRANTS.—The President shall
22 award initial grants under section 101(a)(1) not
23 later than 10 days after the date of enactment of
24 this Act.

1 (3) DISCRETIONARY GRANTS.—For any funds
2 made available under paragraph (1) of section
3 101(a) that remain available after the issuance of
4 grants pursuant to paragraph (2) of such section,
5 the President shall determine an appropriate method
6 for the timely distribution of the remaining funds in
7 an equitable manner to air carriers for the payment
8 of employee wages, salaries, and benefits.

9 (c) INTEREST RATES.—A loan issued under section
10 101(a)(2) shall provide for repayment with no interest for
11 a period of at least 1 year after the loan is issued. The
12 President may otherwise provide for repayment at an in-
13 terest rate commensurate with the level of risk associated
14 with the loan.

15 (d) PRIORITY OF GOVERNMENT CLAIM.—In any pro-
16 ceeding initiated by or against an air carrier under chapter
17 7 or 11 of title 11, United States Code, with outstanding
18 debt on a loan provided under section 101(a)(2), any claim
19 by the Government with respect to such debt shall assume
20 the highest status of any other claim against such air car-
21 rier, whether secured or unsecured.

22 (e) AUDITS.—The inspector general of the Depart-
23 ment of Transportation may audit certifications under
24 subsection (a)(2).

1 **SEC. 103. TERMS AND CONDITIONS.**

2 (a) **SHARE REPURCHASES.**—

3 (1) **IN GENERAL.**—Notwithstanding any other
4 provision of law, an air carrier receiving assistance
5 under section 101 may not purchase an equity inter-
6 est of such air carrier on a national securities ex-
7 change.

8 (2) **DEFINITIONS.**—In this subsection:

9 (A) **EXCHANGE.**—The term “exchange”
10 has the meaning given the terms in section 3 of
11 the Securities Exchange Act of 1934 (15
12 U.S.C. 78c).

13 (B) **NATIONAL SECURITIES EXCHANGE.**—
14 The term “national securities exchange” means
15 an exchange registered under section 6 of the
16 Securities Exchange Act of 1934 (15 U.S.C.
17 78f).

18 (b) **PROHIBITION ON USE OF FUNDS FOR PAYMENTS**
19 **TO SHAREHOLDERS OR BONDHOLDERS.**—An air carrier
20 receiving financial assistance under section 101 may not
21 use the proceeds of such assistance to make any distribu-
22 tion of funds to shareholders or bondholders, including
23 stock dividends.

24 (c) **EXECUTIVE COMPENSATION.**—

25 (1) **IN GENERAL.**—The President may provide
26 financial assistance under section 101 to an air car-

1 rier only if such air carrier enters into a legally
2 binding agreement with the President that, during
3 the 10-year period following the date of enactment
4 of this Act, the air carrier’s chief executive officer
5 will receive, from the air carrier—

6 (A) during any 12 consecutive months of
7 such 10-year period, total compensation not in
8 excess of an amount that is 50 times the me-
9 dian compensation earned by all employees of
10 such air carrier in calendar year 2019; and

11 (B) severance pay or other benefits upon
12 termination of employment with the air carrier
13 not in excess of the maximum total compensa-
14 tion received from the air carrier in calendar
15 year 2019.

16 (2) TOTAL COMPENSATION DEFINED.—In this
17 subsection, the term “total compensation” includes
18 salary, bonuses, awards of stock, and other financial
19 benefits provided by an air carrier to an officer or
20 employee of the air carrier.

21 (d) FINANCIAL PROTECTION OF GOVERNMENT.—

22 (1) IN GENERAL.—To the extent to which any
23 participating air carrier accepts financial assistance,
24 in the form of accepting the proceeds of any loans
25 guaranteed by the government under this title, the

1 President is authorized to enter into contracts under
2 which the Government, contingent on the financial
3 success of the participating corporation, participate
4 in the gains of the participating corporation or its
5 security holders through the use of such instruments
6 as warrants, stock options, common or preferred
7 stock, or other appropriate equity instruments.

8 (2) DEPOSITS IN TREASURY.—All amounts col-
9 lected by the President under this subsection shall
10 be deposited in the Treasury as miscellaneous re-
11 ceipts.

12 (e) AIR CARRIER MAINTENANCE OUTSOURCING.—

13 (1) IN GENERAL.—A passenger air carrier re-
14 ceiving assistance under section 101 may not apply
15 the proceeds of such assistance toward a contract for
16 heavy maintenance work at a facility located outside
17 of the United States if such contract would increase
18 the proportion of maintenance work performed out-
19 side of the United States to all maintenance work
20 performed by or on behalf of such air carrier at any
21 location.

22 (2) DEFINITION.—In this section, the term
23 “heavy maintenance work” has the meaning given
24 the term in section 44733(g)(1) of title 49, United
25 States Code.

1 **SEC. 104. REPORTS.**

2 (a) REPORT.—Not later than October 1, 2020, the
3 President shall submit to the Committee on Transpor-
4 tation and Infrastructure of the House of Representatives
5 and the Committee on Commerce, Science, and Transpor-
6 tation of the Senate a report on the financial status of
7 the air carrier industry, including a description of each
8 grant or loan issued under section 101.

9 (b) UPDATE.—Not later than the last day of the 1-
10 year period following the date of enactment of this Act,
11 the President shall update and submit to the Committee
12 on Transportation and Infrastructure of the House of
13 Representatives and the Committee on Commerce,
14 Science, and Transportation of the Senate the report de-
15 scribed in subsection (a).

16 **SEC. 105. COORDINATION.**

17 In implementing this title with respect to air carriers,
18 the Secretary shall coordinate with the Secretary of
19 Transportation.

20 **TITLE II—LABOR PROTECTIONS**

21 **SEC. 201. ASSISTANCE IRRESPECTIVE OF LABOR COSTS.**

22 The President, or any department, agency, or actor
23 of the Federal government, may not condition the provi-
24 sion of any financial assistance under section 101(a) of
25 this division or section 13 of the Federal Reserve Act (12
26 U.S.C. 261 et seq.) on an air carrier's implementation of

1 measures to reduce labor costs or to enter into negotia-
2 tions with the certified bargaining representative of a craft
3 or class of employees of the air carrier under section 2
4 of the Railway Labor Act (45 U.S.C. 152) regarding pay
5 or other terms and conditions of employment.

6 **SEC. 202. COLLECTIVE BARGAINING AND SNAP-BACK.**

7 (a) IN GENERAL.—Notwithstanding any other provi-
8 sion of law, any contractual relief or reduction to rates
9 of pay, rules, and working conditions agreed to by the au-
10 thorized representatives of the employees of an air carrier,
11 or otherwise imposed on such employees, during or as re-
12 sult of the pandemic of the coronavirus COVID–19 by an
13 air carrier that receives financial assistance under section
14 101 shall be terminated within 6 months, unless the au-
15 thorized representatives of the employees choose to make
16 an alternative agreement with the air carrier.

17 (b) DEFINITION OF AUTHORIZED REPRESENTA-
18 TIVE.—In this section, the term “authorized representa-
19 tive” means an exclusive representative of employees with-
20 in the meaning of section of the Railway Labor Act (45
21 U.S.C. 152).

22 **SEC. 203. PROTECTION OF ORGANIZING ACTIVITY.**

23 A person receiving financial assistance under section
24 101 shall remain neutral in any communications with em-
25 ployees with respect to any efforts of an employee to orga-

1 nize, recruit, or assist in the organizing a labor organiza-
2 tion.

3 **SEC. 204. WORKING AND TRAVEL CONDITIONS.**

4 A person receiving financial assistance under section
5 101 shall adhere to guidance published by the Centers for
6 Disease Control and Prevention and applicable public
7 health authorities for the duration of the national emer-
8 gency declared by the President under the National Emer-
9 gencies Act (50 U.S.C. 1601 et seq.) related to the pan-
10 demic of the coronavirus COVID–19 for providing safe
11 conditions for employees and passengers, including pro-
12 viding employees with adequate and sufficient personal
13 protective equipment and ensuring all aircraft and facili-
14 ties owned or operated by such person are clean and sani-
15 tary.

16 **SEC. 205. LABOR UNION REPRESENTATION ON AIR CAR-**
17 **RIER BOARDS.**

18 An air carrier receiving financial assistance under
19 section 101 shall designate at least one seat on the air
20 carrier’s board of directors for an individual who is a
21 member or officer of a labor organization representing air
22 carrier employees, with such individual to be named by
23 such organization.

1 **SEC. 206. FURLOUGHED WORKER PROTECTIONS.**

2 An air carrier receiving financial assistance under
3 section 101 shall take such action as is necessary to ensure
4 that, with respect to the national emergency declared by
5 the President under the National Emergencies Act (50
6 U.S.C. 1601 et seq.) related to the pandemic of the
7 coronavirus COVID-19—

8 (1) if an employee of such air carrier was pro-
9 vided health insurance benefits or other welfare ben-
10 efits described in subparagraph (A) or (B) of section
11 3(1) of the Employee Retirement Income Security
12 Act of 1974 (29 U.S.C. 1002(1)) from the air car-
13 rier prior to such emergency, such employee shall re-
14 tain such benefits at an equivalent rate for the dura-
15 tion of such emergency;

16 (2) employees of such air carrier are credited
17 any furlough time taken as a result of the pandemic
18 for years of service for purposes of any employee
19 benefit plan (as defined in section 3(3) of the Em-
20 ployee Retirement Income Security Act of 1974 (29
21 U.S.C. 1002(3)) with respect to which the employee
22 is a participant; and

23 (3) an employee of such air carrier who is vol-
24 untarily or involuntarily furloughed as a result of
25 the national emergency declared by the President
26 under the National Emergencies Act (50 U.S.C.

1 1601 et seq.) related to the pandemic of the
2 coronavirus COVID–19 may, upon reemployment or
3 recall to such air carrier, be entitled to the following
4 benefits under an employee pension benefit plan that
5 such employee would have received if the employee
6 had remained continuously employed with the air
7 carrier, similar to benefit rights under subchapter II
8 of chapter 43 of title 38, United States Code:

9 (A) An employee shall be treated as not
10 having incurred a break in service with the em-
11 ployer or employers maintaining the plan by
12 reason of the furlough.

13 (B) The period of furlough shall be deemed
14 to constitute service with the employer or em-
15 ployers maintaining the plan for purposes of
16 vesting, participation, and determining the em-
17 ployee’s benefit accruals.

18 (C) An employee shall be entitled to make-
19 up missed employee contributions or elective de-
20 ferrals that could have been made to a qualified
21 defined contribution plan during the period of
22 furlough. Makeup contributions under this
23 paragraph may be made during the period be-
24 ginning on the date of recall and whose dura-

1 tion is three times the period of the furlough,
2 such payment period not to exceed 5 years.

3 (D) The employer reemploying or recalling
4 such employee shall contribute all employer con-
5 tributions that the employer would have made
6 on behalf of such employee to qualified defined
7 contribution plans, including plans commonly
8 known as 401(k) plans, if the employee had re-
9 mained continuously employed.

10 (E) If employer contributions to a plan are
11 contingent on the employee making an employee
12 contribution or elective deferral, the employer
13 contribution is required only to the extent the
14 employee makes the payment to the plan with
15 respect to such contributions or deferrals. No
16 such payment may exceed the amount the em-
17 ployee would have been permitted or required to
18 contribute had the employee remained continu-
19 ously employed by the employer throughout the
20 period of service. Any payment to the plan de-
21 scribed in this paragraph shall be made during
22 the period beginning on the date of recall and
23 whose duration is three times the period of the
24 person's furlough, such payment period not to
25 exceed 5 years.

1 **SEC. 207. HEALTHCARE FOR UNPROTECTED WORKERS.**

2 (a) IN GENERAL.—The Secretary may not provide
3 any financial assistance under this Act to an air carrier
4 unless the air carrier enters into a legally binding agree-
5 ment with the Secretary that the air carrier will provide,
6 and will require any contractor, subcontractor, or affiliate
7 of the air carrier, including any contractor, subcontractor,
8 or affiliate that performs airline catering services, to pro-
9 vide, to all employees, including airline catering employees,
10 health insurance benefits equal to or greater than the
11 hourly health and welfare fringe benefit rate published by
12 the Department of Labor pursuant to the McNamara-
13 O’Hara Service Contract Act of 1965 (41 U.S.C. 6710–
14 6707) and section 4.52 of title 29, Code of Federal Regu-
15 lations, for all hours worked by each such employee.

16 (b) EFFECTIVE PERIOD.—Subsection (a) shall apply
17 to an air carrier receiving assistance under section 101
18 for the 5-year period beginning on the date on which such
19 assistance was awarded.

20 (c) DEFINITIONS.—

21 (1) AIRLINE CATERING EMPLOYEE.—The term
22 “airline catering employee” means an employee who
23 performs airline catering services.

24 (2) AIRLINE CATERING SERVICES.—The term
25 “airline catering services” means preparation, as-
26 sembly, or both, of food, beverages, provisions and

1 related supplies for delivery, and the delivery of such
2 items, directly to aircraft or to a location on or near
3 airport property for subsequent delivery to aircraft.

4 **SEC. 208. EMPLOYEE WAGES AND LEAVE.**

5 (a) WAGES.—Section 6 of the Fair Labor Standards
6 Act of 1938 (29 U.S.C. 206) is amended by adding at
7 the end the following:

8 “(h) EMPLOYEES IN INDUSTRIES SAVED WITH TAX-
9 PAYER DOLLARS.—

10 “(1) IN GENERAL.—Notwithstanding any other
11 provision of law, subject to the requirements of this
12 subsection, the wage rate in effect under subsection
13 (a)(1) with respect to an employee of an employer
14 described in paragraph (2), or any individual who
15 provides labor or services for remuneration for such
16 employer, regardless of whether the individual is
17 classified as an independent contractor or otherwise
18 by such employer, shall be not less than \$15.00 per
19 hour.

20 “(2) EMPLOYER.—An employer described in
21 this paragraph is an employer who—

22 “(A) receives financial assistance under
23 section 101 of the Aviation Worker Relief Act
24 of 2020; or

1 “(B) who provides goods or services under
2 a contract to an employer who receives financial
3 assistance under such section.

4 “(3) TREATMENT OF NON-EMPLOYEES.—An in-
5 dividual who provides labor or services for remunera-
6 tion to an employer as described in paragraph (1)
7 shall be treated as an employee for the purposes of
8 sections 10 through 17 of this Act.

9 “(4) PERIOD OF APPLICATION.—This sub-
10 section shall apply to an employer described in para-
11 graph (2) for the 10-year period beginning on the
12 date such assistance was awarded.”.

13 (b) BENEFITS AND LEAVE.— Notwithstanding any
14 other provision of law, an air carrier receiving financial
15 assistance under section 101 shall, for the duration of the
16 national emergency declared by the President under the
17 National Emergencies Act (50 U.S.C. 1601 et seq.) re-
18 lated to the pandemic of the coronavirus COVID–19—

19 (1) satisfy all funding obligations under part 3
20 of title I of the Employee Retirement Income Secu-
21 rity Act of 1974 (29 U.S.C. 1081 et seq.) with re-
22 spect to each plan to which such part applies and to
23 which the air carrier is obligated to contribute for
24 plan years beginning or ending during the duration
25 of such emergency;

1 (2) provide employees with a guaranteed wage
2 for every workweek that provides each employee con-
3 tinued payments in the amount of 100 percent of
4 the employee’s full wages and for the employee’s
5 total expected hours per workweek in the event that
6 the employee is terminated, furloughed, experiences
7 a reduction in work hours, or otherwise suffers any
8 loss of such wages during such period; and

9 (3) provide paid medical or sick leave and paid
10 family leave to encourage employees who are diag-
11 nosed with or experiencing symptoms of COVID–19
12 or are under quarantine relating to the coronavirus
13 pandemic, or caring for a dependent or any indi-
14 vidual experiencing such symptoms or under such a
15 quarantine.

16 **SEC. 209. LIMITATION ON REJECTION OF COLLECTIVE BAR-**
17 **GAINING AGREEMENTS.**

18 (a) DEFINITIONS.—

19 (1) COVERED AIR CARRIER.—The term “cov-
20 ered air carrier” means an air carrier that receives
21 Federal financial assistance.

22 (2) COVERED PERIOD.—The term “covered pe-
23 riod”, with respect to a covered air carrier, means
24 the period—

1 (A) beginning on the date on which the
2 covered air carrier first receives Federal finan-
3 cial assistance; and

4 (B) ending on the date that is 10 years
5 after the date on which the covered air carrier
6 last receives Federal financial assistance.

7 (3) DEBTOR IN POSSESSION.—The term “debt-
8 or in possession” has the meaning given such term
9 in section 1101 of title 11, United States Code.

10 (4) FEDERAL FINANCIAL ASSISTANCE.—The
11 term “Federal financial assistance” means financial
12 assistance or a credit instrument received from the
13 Federal Government under this Act.

14 (5) TRUSTEE.—The term “trustee” means a
15 trustee appointed in a case commenced by, or com-
16 menced against, a covered air carrier under title 11,
17 United States Code.

18 (b) LIMITATION.—If a covered air carrier commences
19 a case or if an involuntary case is commenced against a
20 covered air carrier under title 11, United States Code,
21 during the covered period with respect to the covered air
22 carrier, the covered air carrier, the debtor in possession,
23 or the trustee may not seek a rejection of, or interim relief
24 from, a collective bargaining agreement under—

1 (1) section 1113 of title 11, United States
2 Code; or

3 (2) any other provision of law.

4 **SEC. 210. INCREASED WAGE PRIORITY.**

5 Section 507(a) of title 11, United States Code, is
6 amended—

7 (1) in paragraph (4)—

8 (A) by redesignating subparagraphs (A)
9 and (B) as clauses (i) and (ii), respectively;

10 (B) in the matter preceding clause (i), as
11 so redesignated, by inserting “(A)” before
12 “Fourth”;

13 (C) in subparagraph (A), as so designated,
14 in the matter preceding clause (i), as so redesi-
15 gnated—

16 (i) by striking “\$10,000” and insert-
17 ing “\$20,000”;

18 (ii) by striking “within 180 days”;

19 and

20 (iii) by striking “or the date of the
21 cessation of the debtor’s business, which-
22 ever occurs first,”; and

23 (D) by adding at the end the following:

24 “(B) Severance pay described in subpara-
25 graph(A)(i) shall be deemed earned in full upon

1 the layoff or termination of employment of the
2 individual to whom the severance is owed.”;

3 (2) in paragraph (5)—

4 (A) in subparagraph (A)—

5 (i) by striking “within 180 days”; and

6 (ii) by striking “or the date of the
7 cessation of the debtor’s business, which-
8 ever occurs first”; and

9 (B) by striking subparagraph (B) and in-
10 sserting the following:

11 “(B) for each such plan, to the extent of
12 the number of employees covered by each such
13 plan, multiplied by \$20,000.”.

14 **SEC. 211. REJECTION OF COLLECTIVE BARGAINING AGREE-**
15 **MENTS.**

16 (a) IN GENERAL.—Section 1113 of title 11, United
17 States Code, is amended by striking subsections (a)
18 through (f) and inserting the following:

19 “(a) The debtor in possession, or the trustee if one
20 has been appointed under this chapter, other than a trust-
21 ee in a case covered by subchapter IV of this chapter and
22 by title I of the Railway Labor Act (45 U.S.C. 151 et
23 seq.), may reject a collective bargaining agreement only
24 in accordance with this section. In this section, a reference
25 to the trustee includes the debtor in possession.

1 “(b) No provision of this title shall be construed to
2 permit the trustee to unilaterally terminate or alter any
3 provision of a collective bargaining agreement before com-
4 plying with this section. The trustee shall timely pay all
5 monetary obligations arising under the terms of the collec-
6 tive bargaining agreement. Any such payment required to
7 be made before a plan confirmed under section 1129 is
8 effective has the status of an allowed administrative ex-
9 pense under section 503.

10 “(c)(1) If the trustee seeks modification of a collec-
11 tive bargaining agreement, the trustee shall provide notice
12 to the labor organization representing the employees cov-
13 ered by the collective bargaining agreement that modifica-
14 tions are being proposed under this section, and shall
15 promptly provide an initial proposal for modifications to
16 the collective bargaining agreement. Thereafter, the trust-
17 ee shall confer in good faith with the labor organization,
18 at reasonable times and for a reasonable period in light
19 of the complexity of the case, in attempting to reach mutu-
20 ally acceptable modifications of the collective bargaining
21 agreement.

22 “(2) The initial proposal and subsequent proposals
23 by the trustee for modification of a collective bargaining
24 agreement shall be based upon a business plan for the re-
25 organization of the debtor, and shall reflect the most com-

1 plete and reliable information available. The trustee shall
2 provide to the labor organization all information that is
3 relevant for negotiations. The court may enter a protective
4 order to prevent the disclosure of information if disclosure
5 could compromise the position of the debtor with respect
6 to the competitors in the industry of the debtor, subject
7 to the needs of the labor organization to evaluate the pro-
8 posals of the trustee and any application for rejection of
9 the collective bargaining agreement or for interim relief
10 pursuant to this section.

11 “(3) In consideration of Federal policy encouraging
12 the practice and process of collective bargaining and in
13 recognition of the bargained-for expectations of the em-
14 ployees covered by the collective bargaining agreement,
15 modifications proposed by the trustee—

16 “(A) shall be proposed only as part of a pro-
17 gram of workforce and nonworkforce cost savings
18 devised for the reorganization of the debtor, includ-
19 ing savings in management personnel costs;

20 “(B) shall be limited to modifications designed
21 to achieve a specified aggregate financial contribu-
22 tion for the employees covered by the collective bar-
23 gaining agreement (taking into consideration any
24 labor cost savings negotiated within the 12-month
25 period before the filing of the petition), and shall be

1 not more than the minimum savings essential to per-
2 mit the debtor to exit bankruptcy, such that con-
3 firmation of a plan of reorganization is not likely to
4 be followed by the liquidation, or the need for fur-
5 ther financial reorganization, of the debtor (or any
6 successor to the debtor) in the short term; and

7 “(C) shall not be disproportionate or overly bur-
8 den the employees covered by the collective bar-
9 gaining agreement, either in the amount of the cost
10 savings sought from such employees or the nature of
11 the modifications.

12 “(d)(1) If, after a period of negotiations, the trustee
13 and the labor organization have not reached an agreement
14 over mutually satisfactory modifications, and further ne-
15 gotiations are not likely to produce mutually satisfactory
16 modifications, the trustee may file a motion seeking rejec-
17 tion of the collective bargaining agreement after notice
18 and a hearing. Absent agreement of the parties, no such
19 hearing shall be held before the expiration of the 21-day
20 period beginning on the date on which notice of the hear-
21 ing is provided to the labor organization representing the
22 employees covered by the collective bargaining agreement.
23 Only the debtor and the labor organization may appear
24 and be heard at such hearing. An application for rejection

1 shall seek rejection effective upon the entry of an order
2 granting the relief.

3 “(2) In consideration of Federal policy encouraging
4 the practice and process of collective bargaining and in
5 recognition of the bargained-for expectations of the em-
6 ployees covered by the collective bargaining agreement, the
7 court may grant a motion seeking rejection of a collective
8 bargaining agreement only if, based on clear and con-
9 vincing evidence—

10 “(A) the court finds that the trustee has com-
11 plied with the requirements of subsection (c);

12 “(B) the court has considered alternative pro-
13 posals by the labor organization and has concluded
14 that such proposals do not meet the requirements of
15 subsection (c)(3)(B);

16 “(C) the court finds that further negotiations
17 regarding the proposal of the trustee or an alter-
18 native proposal by the labor organization are not
19 likely to produce an agreement;

20 “(D) the court finds that implementation of the
21 proposal of the trustee shall not—

22 “(i) cause a material diminution in the
23 purchasing power of the employees covered by
24 the collective bargaining agreement;

1 “(ii) adversely affect the ability of the
2 debtor to retain an experienced and qualified
3 workforce; or

4 “(iii) impair the labor relations of the
5 debtor such that the ability to achieve a feasible
6 reorganization would be compromised; and

7 “(E) the court concludes that rejection of the
8 collective bargaining agreement and immediate im-
9 plementation of the proposal of the trustee is essen-
10 tial to permit the debtor to exit bankruptcy, such
11 that confirmation of a plan of reorganization is not
12 likely to be followed by liquidation, or the need for
13 further financial reorganization, of the debtor (or
14 any successor to the debtor) in the short term.

15 “(3) If the trustee has implemented a program of in-
16 centive pay, bonuses, or other financial returns for insid-
17 ers, senior executive officers, or the twenty next most
18 highly compensated employees or consultants providing
19 services to the debtor during the bankruptcy, or such a
20 program was implemented within 180 days before the date
21 of the filing of the petition, the court shall presume that
22 the trustee has failed to satisfy the requirements of sub-
23 section (c)(3)(C).

24 “(4) In no case shall the court enter an order reject-
25 ing a collective bargaining agreement that would result in

1 modifications to a level lower than the level proposed by
2 the trustee in the proposal found by the court to have com-
3 plied with the requirements of this section.

4 “(5) At any time after the date on which an order
5 rejecting a collective bargaining agreement is entered, or
6 in the case of a collective bargaining agreement entered
7 into between the trustee and the labor organization pro-
8 viding mutually satisfactory modifications, at any time
9 after that collective bargaining agreement has been en-
10 tered into, the labor organization may apply to the court
11 for an order seeking an increase in the level of wages or
12 benefits, or relief from working conditions, based upon
13 changed circumstances. The court shall grant the request
14 only if the increase or other relief is not inconsistent with
15 the standard set forth in paragraph (2)(E).

16 “(e) During a period during which a collective bar-
17 gaining agreement at issue under this section continues
18 in effect and a motion for rejection of the collective bar-
19 gaining agreement has been filed, if essential to the con-
20 tinuation of the business of the debtor or in order to avoid
21 irreparable damage to the estate, the court, after notice
22 and a hearing, may authorize the trustee to implement
23 interim changes in the terms, conditions, wages, benefits,
24 or work rules provided by the collective bargaining agree-
25 ment. Any hearing under this subsection shall be sched-

1 uled in accordance with the needs of the trustee. The im-
2 plementation of such interim changes shall not render the
3 application for rejection moot and may be authorized for
4 not more than 14 days in total.

5 “(f)(1) Rejection of a collective bargaining agreement
6 constitutes a breach of the collective bargaining agree-
7 ment, and shall be effective no earlier than the entry of
8 an order granting such relief.

9 “(2) Notwithstanding paragraph (1), solely for pur-
10 poses of determining and allowing a claim arising from
11 the rejection of a collective bargaining agreement, rejec-
12 tion shall be treated as rejection of an executory contract
13 under section 365(g) and shall be allowed or disallowed
14 in accordance with section 502(g)(1). No claim for rejec-
15 tion damages shall be limited by section 502(b)(7). Eco-
16 nomic self-help by a labor organization shall be permitted
17 upon a court order granting a motion to reject a collective
18 bargaining agreement under subsection (d) or pursuant to
19 subsection (e), and no provision of this title or of any other
20 provision of Federal or State law may be construed to the
21 contrary.

22 “(g) The trustee shall provide for the reasonable fees
23 and costs incurred by a labor organization under this sec-
24 tion, upon request and after notice and a hearing.

1 “(h) A collective bargaining agreement that is as-
 2 sumed shall be assumed in accordance with section 365.”.

3 (b) PROHIBITION ON MODIFICATION OF RETIREE
 4 BENEFITS.—Section 1114 of title 11, United States Code,
 5 is further amended by adding at the end the following:

6 “(n) Notwithstanding any other provision in this title,
 7 the trustee may not modify retiree benefits if the debtor
 8 is an air carrier, as such term is defined in section 40102
 9 of title 49, United States Code, or an affiliate of such air
 10 carrier, that received assistance under the Aviation Work-
 11 er Relief Act of 2020.”.

12 **TITLE III—AIRLINE INDUSTRY**
 13 **FINANCIAL OVERSIGHT**

14 **SEC. 301. CREATION OF OFFICE OF AIRLINE INDUSTRY FI-**
 15 **NANCIAL OVERSIGHT.**

16 (a) IN GENERAL.—There is hereby established, with-
 17 in the Office of the Secretary of Transportation, the Office
 18 of Airline Industry Financial Oversight.

19 (b) DIRECTOR OF OFFICE.—The office established
 20 under this section shall be headed by a Director, who shall
 21 be a career employee of the Department of Transportation
 22 and selected on the basis of such individual’s knowledge
 23 of financial markets, airline operations, and finance, and
 24 such other qualifications as the Secretary considers rel-
 25 evant.

1 **SEC. 302. RESPONSIBILITIES OF OFFICE OF AIRLINE IN-**
2 **DUSTRY FINANCIAL OVERSIGHT.**

3 The Director of the Office of Airline Industry Finan-
4 cial Oversight shall—

5 (1) assess, not less than once every 12 months,
6 the financial fitness of each passenger air carrier
7 conducting operations under part 121 of title 14,
8 Code of Federal Regulations;

9 (2) determine and prescribe minimum capital
10 and funding requirements for each such air carrier
11 to ensure that no air carrier would be reasonably
12 likely to become insolvent as the result of a substan-
13 tial reduction in demand for air travel following the
14 occurrence of a terror attack, pandemic, or other na-
15 tional or global event that reduces economic activity;

16 (3) require each such air carrier to conduct an
17 annual stress test to determine the extent of finan-
18 cial stress that the air carrier can withstand before
19 becoming financially insolvent, using at least 3 sets
20 of assumptions regarding the severity of financial
21 stress and to report the results of such test to the
22 Office for analysis;

23 (4) based on an analysis of the stress tests per-
24 formed under paragraph (3), annually adjust the
25 minimum capital and funding requirements imposed
26 under paragraph (2); and

1 (5) impose such other requirements, including
2 through the issuance of regulations, as the director
3 determines necessary to ensure the continued oper-
4 ations of air carriers despite an event described in
5 paragraph (2).

6 **SEC. 303. ACCESS TO INFORMATION.**

7 (a) IN GENERAL.—In discharging the responsibilities
8 enumerated in section 302, the director or employees of
9 the office may inspect such financial records in an air car-
10 rier’s possession as the director or employees of the office
11 deem appropriate.

12 (b) PROTECTION OF TRADE SECRETS.—The Director
13 and employees of the Office of Airline Industry Financial
14 Oversight shall protect, from public disclosure, any mate-
15 rial containing trade secrets in the Office’s custody, in ac-
16 cordance with section 1905 of title 18, United States
17 Code.

18 **SEC. 304. REPORTS TO CONGRESS.**

19 Not later than February 1 of each calendar year, the
20 Director of the office established under section 301 shall
21 submit to the Committee on Transportation and Infra-
22 structure of the House of Representatives and the Com-
23 mittee on Commerce, Science, and Transportation of the
24 Senate a report describing each action taken under section
25 302 during the preceding calendar year.

1 **SEC. 305. RULEMAKING AUTHORITY.**

2 The Secretary may issue such regulations as the Sec-
3 retary determines are necessary to implement the require-
4 ments of this title.

5 **SEC. 306. AUTHORIZATION OF APPROPRIATIONS.**

6 There is authorized to be appropriated to the Sec-
7 retary of Transportation \$3,000,000 for each of fiscal
8 years 2020 through 2023 to carry out this title to remain
9 available until expended.

10 **TITLE IV—AIRPORT RELIEF**

11 **SEC. 401. EMERGENCY PANDEMIC FUNDING FOR AIR-**
12 **PORTS.**

13 (a) IN GENERAL.—There is authorized to be appro-
14 priated, from the General Fund of the Treasury,
15 \$10,000,000,000 for the Secretary of Transportation to
16 issue grants to airport sponsors for the purposes of emer-
17 gency response, cleaning, sanitization, janitorial services,
18 staffing, workforce retention, paid leave, procurement of
19 protective health equipment and training for employees
20 and contractors, debt service payments, infrastructure
21 projects and airport operations.

22 (b) METHODOLOGY FOR DISBURSEMENT.—Funds
23 shall be apportioned as set forth in clauses (i) and (ii)
24 of section 47114(c)(1)(C) of title 49, United States Code,
25 and there shall be no maximum apportionment limit.
26 Funds provided under this section shall not be subject to

1 reduced apportionment under section 47114(f) of such
2 title. Any remaining funds shall be distributed to sponsors
3 based on each airport's passenger enplanements compared
4 to total passenger enplanements of all airports, for the
5 most recent calendar year the Secretary apportioned funds
6 pursuant to section 47114(c).

7 (c) HIGH-NEED AIRPORTS.—The Secretary shall set
8 aside 2 percent of the remaining funds described in sub-
9 section (b) to provide grants to commercial service air-
10 ports or general aviation airports that demonstrate the
11 highest financial need.

12 (d) WORKFORCE RETENTION.—

13 (1) IN GENERAL.—Except as otherwise pro-
14 vided in this subsection, all airports receiving funds
15 under subsection (a) shall continue to employ,
16 through December 31, 2020, at least 90 percent of
17 the number of individuals employed by the airport as
18 of the date of enactment of this Act.

19 (2) WAIVER.—The Secretary may waive the
20 workforce retention requirement under this sub-
21 section 120 days after the date of enactment of this
22 Act if the Secretary determines—

23 (A) the airport is experiencing economic
24 hardship as a direct result of the requirement;
25 or

1 (B) the requirement reduces aviation safe-
2 ty or security.

3 (3) SMALL AIRPORTS.—This subsection shall
4 not apply to nonhub airports or nonprimary airports
5 receiving funds under subsection (c).

6 (e) RELIEF TO AIRPORT CONCESSIONS.—An airport
7 sponsor must use at least 2 percent of any funds received
8 under subsection (a) to provide financial relief to airport
9 concessionaires experiencing economic hardship (in terms
10 of rent, minimum annual guarantees, lease obligations, or
11 other fees). With respect to funds under this subsection,
12 airport sponsors must show good faith efforts to provide
13 relief to small business concerns owned and controlled by
14 socially and economically disadvantaged businesses, as
15 such term is defined under section 47113 of title 49,
16 United States Code.

17 (f) COST SHARE.—The Federal share payable of the
18 costs for which a grant is made under this section or under
19 the Consolidated Appropriations Act, 2020 (Public Law
20 116–94) shall be 100 percent.

21 (g) QUALITY ASSURANCE.—The Secretary shall insti-
22 tute adequate policies, procedures and internal controls to
23 prevent waste, fraud, abuse and program mismanagement
24 for the distribution of funds under this section.

1 (h) AVAILABILITY.—Sums authorized to be appro-
2 priated under this sections shall remain available for 3 fis-
3 cal years.

4 (i) LIMITATIONS.—The funds made available under
5 this section shall not be subject to any limitation on obli-
6 gations set forth in an appropriations Act as applied to
7 the heading “Grants-in-Aid for Airports”.

8 (j) ADMINISTRATIVE COSTS.—The Secretary may re-
9 tain up to 0.1 percent of the funds provided under this
10 section to fund the award and oversight of grants made
11 under this heading.

12 (k) DEFINITIONS.—In this section:

13 (1) AIRPORT CONCESSION.—the term “airport
14 concession” means a business, other than air carrier,
15 located on an airport that is engaged in the sale of
16 consumer goods or services to the public under an
17 agreement with an airport, another concessionaire,
18 or the owner or lessee of a terminal.

19 (2) AIRPORT; GENERAL AVIATION AIRPORT;
20 NONHUB AIRPORT; SPONSOR.—The terms “airport”,
21 “general aviation airport”, “nonhub airport”, and
22 “sponsor” have the meanings given those terms in
23 section 47102 of title 49, United States Code.

24 (3) COMMERCIAL SERVICE AIRPORT.—The term
25 “commercial service airport” means a public use air-

1 port that reported at least 2500 passenger boardings
2 at such airport during fiscal year 2018.

3 **SEC. 402. MAINTAINING PRE-CRISIS AIRPORT IMPROVE-**
4 **MENT PROGRAM LEVELS.**

5 Section 47114(c)(1) of title 49, United States Code,
6 is amended by adding at the end the following:

7 “(J) SPECIAL RULE FOR FISCAL YEARS
8 2021 THROUGH 2023.—Notwithstanding sub-
9 paragraph (A), the Secretary shall apportion to
10 a sponsor of an airport under that subpara-
11 graph for each of fiscal years 2021 through
12 2023 an amount based on the number of pas-
13 senger boardings at the airport during calendar
14 year 2018 if the number of passenger boardings
15 at the airport during calendar year 2018 are
16 higher than the number of passenger boardings
17 that would be otherwise calculated under sub-
18 paragraph (A).”.

19 **SEC. 403. NATIONAL AVIATION PREPAREDNESS PLAN.**

20 (a) IN GENERAL.—The Secretary of Transportation,
21 in coordination with the Secretary of Health and Human
22 Services, the Secretary of Homeland Security and other
23 appropriate stakeholders, shall develop a national aviation
24 preparedness plan for communicable disease outbreaks.

1 (b) CONTENTS OF PLAN.—A plan developed under
2 subsection (a) shall, at a minimum—

3 (1) require involvement from multiple airports
4 on a national level;

5 (2) provide airports and air carriers with an
6 adaptable and scalable framework with which to
7 align their individual plans;

8 (3) improve coordination among airports, air
9 carriers, Customs and Border Patrol, the Centers
10 for Disease Control and Prevention, and other ap-
11 propriate Federal stakeholders on developing policies
12 that increase the effectiveness of screening, quaran-
13 tining, and contact-tracing with respect to inbound
14 passengers; and

15 (4) fully incorporate elements referenced in the
16 recommendation of the Comptroller General of the
17 United States to the Secretary of Transportation
18 contained in Report No. GAO 16–127.

19 **TITLE V—SMALL COMMUNITY**
20 **AIR SERVICE**

21 **SEC. 501. CONTINUATION OF CERTAIN AIR SERVICE.**

22 (a) ACTION OF SECRETARY.—The Secretary of
23 Transportation shall take appropriate action to ensure
24 that all communities that receive scheduled air service be-
25 fore March 1, 2020, continue to receive adequate air

1 transportation service and that essential air service to
2 small communities continues without interruption and in
3 a manner that maintains well-functioning health care sup-
4 ply chains, including medical device, medical supplies, and
5 pharmaceutical supply chains.

6 (b) ANTITRUST IMMUNITY.—The Secretary may
7 grant an exemption under section 41308 of title 49,
8 United States Code, to 2 air carriers for the limited pur-
9 pose of such cooperation as is necessary to ensure that
10 small communities continue to receive an adequate level
11 of air transportation service.

12 **SEC. 502. TOLLING OF EAS LIMITATIONS.**

13 The Secretary may not order the termination of es-
14 sential air service on the basis of the applicable place fail-
15 ing to meet the definition of an eligible place under sub-
16 paragraph (B) or (C) of section 41731(a)(1) of title 49,
17 United States Code, if such community was otherwise an
18 eligible place as defined under section 41731 of such title
19 on March 1, 2020.

20 **SEC. 503. SUNSET.**

21 The requirements of this title, and any order issued
22 by the Secretary under this title, shall sunset on the day
23 that is 6 months after the last effective date of a national
24 emergency declared by the President under the National

1 Emergencies Act (50 U.S.C. 1601 et seq.) related to the
2 pandemic of the coronavirus COVID-19.

3 **TITLE VI—CONSUMER**
4 **PROTECTIONS**

5 **SEC. 601. AIRLINE PRICE GOUGING DURING DISASTER OR**
6 **EMERGENCY.**

7 (a) IN GENERAL.—Section 41712 of title 49, United
8 States Code, is amended by adding at the end the fol-
9 lowing:

10 “(d) AIRFARE PRICING AND FEES DURING DIS-
11 ASTER OR OTHER EMERGENCY.—

12 “(1) IN GENERAL.—It shall be an unfair or de-
13 ceptive practice under subsection (a) for any ticket
14 agent, air carrier, foreign air carrier, or other person
15 selling or offering to sell a ticket for air transpor-
16 tation on a covered flight to—

17 “(A) impose any unreasonable increase in
18 the price of such ticket, as compared to the
19 ticket price in effect on the day on which a
20 flight becomes a covered flight; and

21 “(B) charge any fee for a change to, or
22 cancellation of, such ticket, or for any dif-
23 ference in fare for an itinerary change.

24 “(2) COVERED FLIGHT DEFINED.—In this sub-
25 section, the term ‘covered flight’ means a flight of

1 an air carrier or foreign air carrier departing from,
2 or arriving at, an airport located in an area with re-
3 spect to which—

4 “(A) a major disaster or emergency de-
5 clared by the President under the Robert T.
6 Stafford Disaster Relief and Emergency Assist-
7 ance Act (42 U.S.C. 5121 et seq.) is in effect
8 and State or local authorities have ordered a
9 mandatory evacuation;

10 “(B) a public health emergency declared
11 pursuant to section 319 of the Public Health
12 Service Act (42 U.S.C. 247d) is in effect;

13 “(C) a national emergency declared by the
14 President under the National Emergencies Act
15 (50 U.S.C. 1601 et seq.) is in effect; or

16 “(D) a restriction on air travel is in effect,
17 including restrictions on non-essential air trans-
18 portation or nationwide bans imposed on air
19 transportation during a disaster, emergency, or
20 pandemic.

21 “(3) SAVINGS PROVISION.—Nothing in this sub-
22 section, or the amendment made by this subsection,
23 may be construed to limit or otherwise affect any re-
24 sponsibility of any ticket agent, air carrier, or for-
25 eign air carrier or other person offering to sell a

1 ticket for air transportation during a major disaster
2 or emergency.”.

3 **SEC. 602. AIRLINE REFUNDS DURING NATIONAL DISASTERS**
4 **OR EMERGENCIES.**

5 (a) IN GENERAL.—Not later than 30 days after the
6 date of enactment of this Act, the Secretary of Transpor-
7 tation shall require that any covered seller who sells a tick-
8 et for a passenger to take a covered flight, and either such
9 flight is cancelled by the air carrier or such ticket is can-
10 celed by the passenger, such covered seller shall promptly
11 offer the passenger a choice of—

12 (1) a full monetary refund for such ticket, in-
13 cluding any ancillary fees paid; and

14 (2) an alternative compensation method deter-
15 mined appropriate by the covered seller, including
16 credit, voucher, or other mechanism to compensate
17 a passenger.

18 (b) CREDIT OR VOUCHER.—An alternative compensa-
19 tion method provided pursuant to subsection (a)(2) may
20 not expire for at least 1 year date of the covered flight.

21 (c) DEFINITIONS.—In this section, the following defi-
22 nitions apply:

23 (1) COVERED FLIGHT.—The term “covered
24 flight” has the meaning given to such term in sec-
25 tion 41712(d) of title 49, United States Code.

1 (2) COVERED SELLER.—The term “covered
2 seller” means a ticket agent, air carrier, foreign air
3 carrier, or other person offering to sell a ticket for
4 air transportation.

5 **SEC. 603. CONDITIONS ON AIRLINE ANCILLARY FEES.**

6 (a) IN GENERAL.—Not later than 90 days after the
7 date of enactment of this Act, the Secretary of Transpor-
8 tation shall require covered air carriers to report to the
9 Secretary of Transportation, not less than quarterly, all
10 ancillary revenues collected by the air carrier during the
11 quarter for which the report is provided.

12 (b) CONTENTS.—In implementing the requirement
13 under subsection (a), the Secretary shall require reporting
14 of ancillary revenues from, at a minimum, the following
15 optional fees or charges:

16 (1) Booking fees, including fees for telephone
17 reservations.

18 (2) Fees for priority check-in and security
19 screening.

20 (3) Fees for the transportation of carry-on, first
21 checked, second checked, excess, and oversized or
22 overweight baggage.

23 (4) Fees for transportation of in-flight medical
24 equipment.

1 (5) Fees for in-flight entertainment, beverages,
2 and food.

3 (6) Fees for internet access.

4 (7) Fees for seating assignments.

5 (8) Fees for reservation cancellation and
6 change.

7 (9) Charges for lost tickets.

8 (10) Revenue from the sale of travel insurance

9 (11) Fees for unaccompanied minor and pas-
10 senger assistance.

11 (12) Fees for pets.

12 (c) DEFINITIONS.—In this section, the following defi-
13 nitions apply:

14 (1) ANCILLARY REVENUES.—The term “ancil-
15 lary revenues” means charges paid by airline pas-
16 sengers that are not included in the standard ticket
17 fare.

18 (2) COVERED AIR CARRIER.—

19 (A) IN GENERAL.—The term “covered air
20 carrier” means an air carrier covered under
21 part 241 of title 14, Code of Federal Regula-
22 tions.

23 (B) EXCLUSION.—The term “covered air
24 carrier” excludes air carriers with annual reve-
25 nues of less than \$20,000,000.

1 **TITLE VII—ENVIRONMENTAL**
2 **PROTECTIONS**

3 **SEC. 701. SUSTAINABLE AVIATION FUEL DEVELOPMENT**
4 **PROGRAM.**

5 (a) **IN GENERAL.**—The Secretary of Transportation,
6 in consultation with the Department of Agriculture and
7 the Environmental Protection Agency, shall make com-
8 petitive grants to eligible entities to offset the cost of a
9 project to develop, transport, or store sustainable aviation
10 fuels that would reduce United States greenhouse gas
11 emissions.

12 (b) **SELECTION.**—In making grants under subsection
13 (a), the Secretary shall consider—

14 (1) the anticipated public benefits of the
15 project;

16 (2) the potential to increase the commercial ap-
17 plication of sustainable aviation fuels among the
18 United States commercial aviation and aerospace in-
19 dustry;

20 (3) the potential greenhouse gases emitted from
21 the project;

22 (4) the potential for new job creation; and

23 (5) the potential the project has in reducing
24 United States greenhouse gas emissions associated
25 with air travel.

1 (c) AUTHORIZATION OF APPROPRIATIONS.—There
2 are authorized to be appropriated \$200,000,000 for each
3 of the fiscal years 2021 through 2026 to carry out this
4 section.

5 (d) REPORT.—Not later than October 1, 2026, the
6 Secretary shall submit to the Committee on Commerce,
7 Science, and Transportation, the Committee on Environ-
8 ment and Public Works, and the Committee on Agri-
9 culture, Nutrition, and Forestry of the Senate, and the
10 Committee on Transportation and Infrastructure, the
11 Committee on Energy and Commerce, and the Committee
12 on Agriculture of the House of Representatives, a report
13 describing the results of the grant program authorized by
14 this section. The report shall include the following:

15 (1) A description of the entities and projects
16 that received grants under this section.

17 (2) Description of whether the program is lead-
18 ing to an increase in commercial application of sus-
19 tainable aviation fuels by United States aviation and
20 aerospace industry stakeholders.

21 (3) The economic impacts resulting from the
22 grants to and operation of the project.

23 (e) ELIGIBILITY.—Entities eligible to receive a grant
24 under this section shall include State and local govern-
25 ments, nongovernmental entities, air carriers, airports,

1 and businesses engaged in the development, transpor-
2 tation, or storage of sustainable aviation fuels.

3 (f) DEFINITION OF SUSTAINABLE AVIATION FUEL.—

4 The term “sustainable aviation fuel” means liquid fuel
5 consisting of synthesized hydrocarbons which meets the
6 requirements of ASTM International Standard D7566 or
7 ASTM International Standard D1655, Annex A1, sub-
8 section A.1.2.2, and is derived from biomass (as defined
9 in section 45K(c)(3) of the Internal Revenue Code of
10 1986), waste streams, or gaseous carbon oxides, conforms
11 to the standards, recommended practices and guidance
12 agreed to by the United States pursuant to the European
13 Union Emissions Trading Scheme Prohibition Act of 2011
14 (Public Law 112–200) for addressing aircraft emissions,
15 and achieves at least a 30 percent reduction in greenhouse
16 gas emissions on a lifecycle basis compared to conventional
17 jet fuel.

18 **SEC. 702. AIRLINE ASSISTANCE TO RECYCLE AND SAVE**

19 **PROGRAM.**

20 (a) ESTABLISHMENT.—Not later than 90 days after
21 the date of enactment of this Act, the Secretary shall es-
22 tablish and carry out a program, to be known as the “Air-
23 line Assistance to Recycle and Save Program”, under
24 which the Secretary shall purchase high-polluting aircraft

1 from air carriers in exchange for commitments from such
2 air carriers to purchase fuel-efficient aircraft.

3 (b) APPLICATION.—To be eligible for the program es-
4 tablished under subsection (a), an air carrier shall submit
5 to the Secretary an application at such time, in such man-
6 ner, and containing such information as the Secretary may
7 require, including a description of an high-polluting air-
8 craft of the air carrier.

9 (c) PROGRAM REQUIREMENTS.—

10 (1) LIST OF ELIGIBLE AIRCRAFT.—In carrying
11 out the program established under subsection (a),
12 the Secretary, in consultation with the Adminis-
13 trator, shall prepare, maintain, publicize, and make
14 available through a publicly available website, lists of
15 aircraft that are—

16 (A) high-polluting aircraft; and

17 (B) fuel-efficient aircraft that are on the
18 market or in production.

19 (2) COMMITMENT REQUIREMENT.—In carrying
20 out the program established under subsection (a),
21 the Secretary shall issue such regulations as are nec-
22 essary to set requirements for the commitment to
23 purchase a fuel-efficient aircraft described in sub-
24 section (a), including a timing requirement for the
25 purchase of a fuel-efficient aircraft.

1 (d) USE OF PURCHASED AIRCRAFT.—Notwith-
2 standing any other provision of law, the Secretary may
3 sell, to an air carrier or eligible foreign air carrier, parts
4 or components of aircraft purchased under this division.

5 (e) REGULATIONS.—Not later than 30 days after the
6 date of enactment of this Act, the Secretary shall issue
7 such regulations as are necessary to carry out this section.

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to carry out the program established under this
10 section \$1,000,000,000 and such sums shall remain avail-
11 able until expended.

12 (g) DEFINITIONS.—In this section:

13 (1) ADMINISTRATOR.—The term “Adminis-
14 trator” means the Administrator of the Environ-
15 mental Protection Agency.

16 (2) AIRCRAFT MANUFACTURER.—The term
17 “aircraft manufacturer” has the meaning given such
18 term in section 44301 of title 49, United States
19 Code.

20 (3) ELIGIBLE FOREIGN AIR CARRIER.—

21 (A) IN GENERAL.—The term “eligible for-
22 eign air carrier” means a foreign air carrier as
23 such term is defined in section 40102 of title
24 49, United States Code.

1 (B) EXCLUSION.—The term “eligible for-
2 eign air carrier” does not include a foreign air
3 carrier that—

4 (i) is domiciled in a country that is a
5 state sponsor of terrorism; or

6 (ii) has a majority ownership interest
7 of individuals or entities domiciled in a
8 country that is a state sponsor of ter-
9 rorism.

10 (4) SECRETARY.—The term “Secretary” means
11 the Secretary of Transportation.

12 (5) STATE SPONSOR OF TERRORISM.—The term
13 “state sponsor of terrorism” means a country the
14 government of which the Secretary of State deter-
15 mines has repeatedly provided support for inter-
16 national terrorism pursuant to—

17 (A) section 1754(c)(1)(A) of the Export
18 Control Reform Act of 2018 (50 U.S.C.
19 4318(c)(1)(A));

20 (B) section 620A of the Foreign Assistance
21 Act of 1961 (22 U.S.C. 2371);

22 (C) section 40 of the Arms Export Control
23 Act (22 U.S.C. 2780); or

24 (D) any other provision of law.

1 **SEC. 703. EXPANSION OF VOLUNTARY AIRPORT LOW EMIS-**
2 **SION PROGRAM.**

3 Section 40117 of title 49, United States Code, is
4 amended—

5 (1) in subsection (a)(3)(G) by striking “if the
6 airport is located in an air quality nonattainment
7 area (as defined in section 171(2) of the Clean Air
8 Act (42 U.S.C. 7501(2)) or a maintenance area re-
9 ferred to in section 175A of such act (42 U.S.C.
10 7505a)”;

11 (2) in subsection (b) by adding at the end the
12 following:

13 “(8) PRIORITY OF PROJECTS.—In carrying out
14 this section, the Secretary shall prioritize funding
15 for airports in areas located in an air quality non-
16 attainment area (as defined in section 171(2) of the
17 Clean Air Act (42 U.S.C. 7501(2)) or a maintenance
18 area referred to in section 175A of such act (42
19 U.S.C. 7505a).”.

20 **SEC. 704. AIRLINE CARBON EMISSIONS OFFSETS AND**
21 **GOALS.**

22 (a) CARBON OFFSETTING PROGRAM.—

23 (1) IN GENERAL.—Not later than 90 days after
24 the enactment of this Act, the Administrator of the
25 Federal Aviation Administration shall require each
26 air carrier receiving assistance under section 101, to

1 fully offset the annual carbon emissions of such air
2 carriers for domestic flights beginning in 2025.

3 (2) VERIFICATION.—In issuing regulations and
4 guidance to carry out to paragraph (1), the Admin-
5 istrator shall develop standards and practices to en-
6 sure the use of carbon offsets by air carriers are
7 real, additional, permanent, verifiable, and not dou-
8 ble counted and align with standards, recommended
9 practices, assessment tools, and guidance agreed to
10 by the United States pursuant to the European
11 Union Emissions Trading Scheme Prohibition Act of
12 2011 (Public Law 112–200) for addressing aircraft
13 emissions.

14 (3) AUDITING.—An air carrier covered under
15 this subsection shall take reasonable and continuous
16 measures to ensure any carbon offsets credited to, or
17 purchased by, such carrier continue to be accurate.

18 (4) CERTIFICATION.—The Administrator shall
19 annually certify that an air carrier’s carbon offset-
20 ting program aligns with the standards developed
21 pursuant to paragraph (2).

22 (b) CARBON EMISSIONS GOAL.—

23 (1) IN GENERAL.—The Administrator of the
24 Federal Aviation Administration, with the concur-
25 rence of the Administrator of the Environmental

1 Protection Agency, shall require each air carrier re-
2 ceiving assistance under section 101 to—

3 (A) make and achieve a binding commit-
4 ment to reduce the greenhouse gas emissions
5 attributable to the domestic flights of such air
6 carrier in every calendar year, beginning with
7 2021, on a path consistent with a 25 percent
8 reduction in the aviation sector's emissions
9 from 2019 levels by 2035, and a 50 percent re-
10 duction in the sector's emissions from 2019 lev-
11 els by 2050, applying the standards, rec-
12 ommended practices, and guidance agreed to by
13 the United States pursuant to the European
14 Union Emissions Trading Scheme Prohibition
15 Act of 2011 (Public Law 112–200) for address-
16 ing aircraft emissions; and

17 (B) submit to the Administrator, annually,
18 a report containing a plan for meeting the com-
19 mitment described in subparagraph (A) and evi-
20 dence of compliance with such commitment, in-
21 cluding the annual emissions of the air carrier,
22 use of alternative fuels, and any other means of
23 implementing such commitment.

24 (2) CERTIFICATION.—

1 (A) IN GENERAL.—Not later than 5 years
2 after the date of enactment of this Act, and not
3 less frequently than every 5 years thereafter,
4 the Administrator shall certify each air carrier
5 covered under this subsection that is taking
6 such actions as are necessary to meet the re-
7 quirements established pursuant to paragraph
8 (1).

9 (B) REMEDIATION.—With respect to any
10 air carrier covered under this subsection that
11 the Administrator does not certify under sub-
12 paragraph (A), the Administrator, in consulta-
13 tion with such air carrier, shall, not later than
14 180 days after the last date on which a certifi-
15 cation could have been made under such sub-
16 paragraph, develop a plan to ensure such air
17 carrier meets the requirements established pur-
18 suant to paragraph (1).

19 (3) PUBLIC INFORMATION.—The Secretary
20 shall make publicly available the reports described in
21 paragraph (1).

22 (4) LIMITATION.—Nothing in this subsection
23 shall affect or alter the authorities and responsibil-
24 ities to address greenhouse gases under any other
25 provision of law.

1 (c) INTERNATIONAL COMPETITIVENESS.—In issuing
2 regulations to carry out to subsection (b) and (c), the Ad-
3 ministrator shall create a mechanism that ensures foreign
4 air carriers that enter the national airspace system have
5 an equivalent emissions reductions target or programs
6 such that the United States airline industry is not at a
7 competitive disadvantage.

8 **SEC. 705. RESEARCH AND DEVELOPMENT OF SUSTAINABLE**
9 **AVIATION FUELS.**

10 There is authorized to be appropriated to the Federal
11 Aviation Administration \$100,000,000 for each of fiscal
12 years 2021 through 2026 for research and development
13 of sustainable aviation fuels.

14 **SEC. 706. IMPROVING CONSUMER INFORMATION REGARD-**
15 **ING RELEASE OF GREENHOUSE GASES FROM**
16 **FLIGHTS.**

17 (a) IN GENERAL.—Not later than January 1, 2023,
18 the Secretary of Transportation shall develop and imple-
19 ment, by regulation, a program to require air carriers that
20 receive assistance under section 101 provide passengers
21 with information regarding greenhouse gas emissions re-
22 sulting from each individual flight that is—

23 (1) customized to account for such emissions
24 associated with each aircraft and the flight route of
25 such aircraft; and

1 (2) made available on the first display of any
2 website selling any ticket for such flight, following a
3 search of a requested itinerary in a format that is
4 easily visible to the purchaser.

5 (b) PUBLIC REPORTING.—The Secretary shall pub-
6 lish monthly data and information that anonymously ag-
7 gregates and analyzes the information provided to indi-
8 vidual passengers under to subsection (a). Such informa-
9 tion and data shall—

10 (1) be accessible to the public on the internet;
11 and

12 (2) identify and quantify the greenhouse gas
13 emissions and relative climate change impact of each
14 passenger air carrier that receives assistance under
15 section 101.

16 **SEC. 707. STUDY ON CERTAIN CLIMATE CHANGE MITIGA-**
17 **TION EFFORTS.**

18 (a) IN GENERAL.—Not later than 90 days after the
19 date of enactment of this Act, the Secretary of Transpor-
20 tation shall seek to enter into an agreement with the Na-
21 tional Academies of Sciences, Engineering, and Medicine
22 (referred to in this section as the “National Academies”)
23 to conduct a study on climate change mitigation efforts
24 with respect to the civil aviation and aerospace industries.

1 (b) STUDY CONTENTS.—In conducting the study
2 under subsection (a), the National Academies shall—

3 (1) identify climate change mitigation efforts,
4 including efforts relating to emerging technologies,
5 in the civil aviation and aerospace industries;

6 (2) develop and apply an appropriate indicator
7 for assessing the effectiveness of such efforts;

8 (3) identify gaps in such efforts;

9 (4) identify barriers preventing expansion of
10 such efforts; and

11 (5) develop recommendations with respect to
12 such efforts.

13 (c) REPORTS.—

14 (1) FINDINGS OF STUDY.—Not later than 1
15 year after the date on which the Secretary enters
16 into an agreement for a study pursuant to sub-
17 section (a), the Secretary shall submit to the appro-
18 priate congressional committees the findings of the
19 study.

20 (2) ASSESSMENT.—Not later than 180 days
21 after the date on which the Secretary submits the
22 findings pursuant to paragraph (1), the Secretary,
23 acting through the Administrator of the Federal
24 Aviation Administration, shall submit to the appro-

1 appropriate congressional committees a report that con-
2 tains an assessment of the findings.

3 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated to the Secretary to carry
5 out this section \$1,500,000.

6 (e) DEFINITIONS.—In this section:

7 (1) APPROPRIATE CONGRESSIONAL COMMIT-
8 TEES.—The term “appropriate congressional com-
9 mittees” means the Committee on Transportation
10 and Infrastructure of the House of Representatives,
11 the Committee on Commerce, Science, and Trans-
12 portation of the Senate, and other congressional
13 committees determined appropriate by the Secretary.

14 (2) CLIMATE CHANGE MITIGATION EFFORTS.—
15 The term “climate change mitigation efforts” means
16 efforts, including the use of technologies, materials,
17 processes, or practices, that contribute to the reduc-
18 tion of greenhouse gas emissions.

19 **TITLE VIII—MISCELLANEOUS**

20 **SEC. 801. SEPARABILITY.**

21 If any provision of this division (including any
22 amendment made by this division) or the application
23 thereof to any person or circumstance is held invalid, the
24 remainder of this division (including any amendment

1 made by this division) and the application thereof to other
2 persons or circumstances shall not be affected thereby.

3 **SEC. 802. APPLICATION OF LAW.**

4 Chapter 83 of title 41, United States Code, shall not
5 apply with respect to purchases made in response to—

6 (1) the public health emergency declared on
7 January 31, 2020 under section 319 of the Public
8 Health Service Act (42 U.S.C. 247d); or

9 (2) the emergency declared by the President on
10 March 13, 2020, under section 501 of the Robert T.
11 Stafford Disaster Relief and Emergency Assistance
12 Act (42 U.S.C. 5191) and under any subsequent
13 major disaster declaration under section 401 of such
14 Act that supersedes such emergency declaration.

15 **DIVISION S—SMALL BUSINESS**
16 **ADMINISTRATION**

17 **SEC. 190001. DEFINITIONS.**

18 In this division—

19 (1) the terms “Administration” and “Adminis-
20 trator” mean the Small Business Administration
21 and the Administrator thereof, respectively;

22 (2) the term “covered small business concern”
23 means a small business concern that has experi-
24 enced, as a result of COVID–19—

1 (A) supply chain disruptions, including
2 changes in—

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

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

8 (iii) technology, including a com-
9 promised payment network;

10 (B) staffing challenges;

11 (C) a decrease in sales or customers; or

12 (D) a closure; and

13 (3) the term “small business concern” has the
14 meaning given the term in section 3 of the Small
15 Business Act (15 U.S.C. 636).

16 **SEC. 190002. PAYCHECK PROTECTION PROGRAM.**

17 (a) IN GENERAL.—Section 7(a) of the Small Busi-
18 ness Act (15 U.S.C. 636(a)) is amended—

19 (1) in paragraph (2)—

20 (A) in subparagraph (A), in the matter
21 preceding clause (i), by striking “and (E)” and
22 inserting “(E), and (F)”; and

23 (B) by adding at the end the following:

24 “(F) PARTICIPATION IN THE PAYCHECK
25 PROTECTION PROGRAM.—In an agreement to

1 participate in a loan on a deferred basis under
2 paragraph (36), the participation by the Admin-
3 istration shall be 100 percent.”; and

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

5 “(36) PAYCHECK PROTECTION PROGRAM.—

6 “(A) DEFINITIONS.—In this paragraph—

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

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

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

18 “(iv) the term ‘eligible recipient’
19 means an individual or entity that is eligi-
20 ble to receive a covered loan;

21 “(v) the term ‘eligible self-employed
22 individual’ has the meaning given the term
23 in section 7002(b) of the Families First
24 Coronavirus Response Act (Public Law
25 116–127);

1 “(vi) the term ‘nonprofit organization’
2 means an organization that is described in
3 section 501(c)(3) of the Internal Revenue
4 Code of 1986 and that is exempt from tax-
5 ation under section 501(a) of such Code;

6 “(vii) the term ‘payroll costs’—

7 “(I) means—

8 “(aa) the sum of payments
9 of any compensation with respect
10 to employees that is a—

11 “(AA) salary or wage;

12 “(BB) payment of cash
13 tip or equivalent;

14 “(CC) payment for va-
15 cation, parental, family,
16 medical, or sick leave;

17 “(DD) allowance for
18 dismissal or separation;

19 “(EE) payment re-
20 quired for the provisions of
21 group health care benefits,
22 including insurance pre-
23 miums;

24 “(FF) payment of any
25 retirement benefit; or

1 “(GG) payment of
2 State or local tax assessed
3 on the compensation of em-
4 ployees; and

5 “(bb) the sum of payments
6 of any compensation to a sole
7 proprietor or independent con-
8 tractor that is a wage, commis-
9 sion, or similar compensation and
10 that is in an amount that is not
11 more than \$100,000 in 1 year, as
12 prorated for the covered period;
13 and

14 “(II) shall not include—

15 “(aa) the compensation of
16 an individual employee in excess
17 of an annual salary of \$100,000,
18 as prorated for the covered pe-
19 riod;

20 “(bb) taxes imposed or with-
21 held under chapters 21, 22, or 24
22 of the Internal Revenue Code of
23 1986 during the covered period;

24 “(cc) any compensation of
25 an employee whose principal

1 place of residence is outside of
2 the United States;

3 “(dd) qualified sick leave
4 wages for which a credit is al-
5 lowed under section 7001 of the
6 Families First Coronavirus Re-
7 sponse Act (Public Law 116-
8 127); or

9 “(ee) qualified family leave
10 wages for which a credit is al-
11 lowed under section 7003 of the
12 Families First Coronavirus Re-
13 sponse Act (Public Law 116-
14 127); and

15 “(viii) the term ‘veterans organization’
16 means an organization that is described in
17 paragraph (19) of section 501(c) of the In-
18 ternal Revenue Code that is exempt from
19 taxation under section 501(a) of such
20 Code.

21 “(B) SMALL BUSINESS INTERRUPTION
22 LOANS.—Except as otherwise provided in this
23 paragraph, the Administrator may guarantee
24 covered loans under the same terms, conditions,

1 and processes as a loan made under this sub-
2 section.

3 “(C) REGISTRATION OF LOANS.—Not later
4 than 15 days after the date on which a loan is
5 made under this paragraph, the Administration
6 shall register the loan using the TIN (as de-
7 fined in section 7701 of the Internal Revenue
8 Code of 1986) assigned to the borrower.

9 “(D) INCREASED ELIGIBILITY FOR CER-
10 TAIN SMALL BUSINESSES AND ORGANIZA-
11 TIONS.—

12 “(i) IN GENERAL.—During the cov-
13 ered period, in addition to small business
14 concerns, any business concern, nonprofit
15 organization, or veterans organization shall
16 be eligible to receive a covered loan if the
17 business concern, nonprofit organization,
18 or veterans organization employs not more
19 than the greater of—

20 “(I) 500 employees; or

21 “(II) if applicable, the size stand-
22 ard in number of employees estab-
23 lished by the Administration for the
24 industry in which the business con-

cern, nonprofit organization, or veterans organization operates.

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

“(I) IN GENERAL.—During the covered period, individuals who operate under a sole proprietorship or as an independent contractor and eligible self-employed individuals shall be eligible to receive a covered loan.

“(II) DOCUMENTATION.—An eligible self-employed individual seeking a covered loan shall submit payroll tax filings reported to the Internal Revenue Service. An independent contractor shall submit Forms 1099-MISC received. A sole proprietorship shall submit schedules from their tax return filed (or to be filed) showing their income and expenses from their sole proprietorship.

“(iii) BUSINESS CONCERNS WITH MORE THAN 1 PHYSICAL LOCATION.—Dur-

1 ing the covered period, any business con-
2 cern that employs not more than 500 em-
3 ployees per physical location of the busi-
4 ness concern and that is assigned a North
5 American Industry Classification System
6 code beginning with 72 at the time of dis-
7 bursal shall be eligible to receive a covered
8 loan.

9 “(iv) WAIVER OF AFFILIATION
10 RULES.—During the covered period, the
11 provisions applicable to affiliations under
12 section 121.103 of title 13, Code of Fed-
13 eral Regulations, or any successor regula-
14 tion, are waived with respect to eligibility
15 for a covered loan for—

16 “(I) any business concern with
17 not more than 500 employees that, as
18 of the date on which the covered loan
19 is disbursed, is assigned a North
20 American Industry Classification Sys-
21 tem code beginning with 72;

22 “(II) any business concern oper-
23 ating as a franchise that is assigned a
24 franchise identifier code by the Ad-
25 ministration; and

1 “(III) any business concern that
2 receives financial assistance from a
3 company licensed under section 301 of
4 the Small Business Investment Act of
5 1958 (15 U.S.C. 681).

6 “(E) MAXIMUM LOAN AMOUNT.—During
7 the covered period, with respect to a covered
8 loan, the maximum loan amount shall be the
9 lesser of—

10 “(i)(I) the product obtained by multi-
11 plying—

12 “(aa) the average total monthly
13 payments by the applicant for payroll
14 costs, costs related mortgage pay-
15 ments, rent (including under a lease
16 agreement), and utilities incurred dur-
17 ing the 1-year period before the date
18 on which the loan is made, except
19 that, in the case of an applicant that
20 is seasonal employer, as determined
21 by the Administrator, the average
22 total monthly payments for payroll
23 shall be for the 12-week period begin-
24 ning February 15, 2019, or at the
25 election of the eligible recipient,

1 March 1, 2019, and ending June 30,
2 2019; by

3 “(bb) 4; or

4 “(II) if requested by an otherwise eli-
5 gible recipient that was not in business
6 during the period beginning on February
7 15, 2019 and ending on June 30, 2019,
8 the product obtained by multiplying—

9 “(aa) the average total monthly
10 payments by the applicant for payroll
11 costs, costs related mortgage pay-
12 ments, rent (including under a lease
13 agreement), and utilities incurred dur-
14 ing the period beginning on January
15 1, 2020 and ending on February 29,
16 2020; by

17 “(bb) 4; or

18 “(ii) \$10,000,000.

19 “(F) ALLOWABLE USES OF COVERED
20 LOANS.—

21 “(i) IN GENERAL.—During the cov-
22 ered period, an eligible recipient may, in
23 addition to the allowable uses of a loan
24 made under this subsection, use the pro-
25 ceeds of the covered loan for—

1 “(I) payroll costs;

2 “(II) costs related to the continu-
3 ation of group health care benefits
4 during periods of paid sick, medical,
5 or family leave, and insurance pre-
6 miums;

7 “(III) employee salaries, commis-
8 sions, or similar compensations;

9 “(IV) mortgage payments;

10 “(V) rent (including rent under a
11 lease agreement);

12 “(VI) utilities; and

13 “(VII) interest on any other debt
14 obligations that were incurred before
15 the covered period.

16 “(ii) DELEGATED AUTHORITY.—

17 “(I) IN GENERAL.—For purposes
18 of making covered loans for the pur-
19 poses described in clause (i), a lender
20 approved under this paragraph shall
21 be considered to have delegated au-
22 thority to make and approve covered
23 loans, subject to the provisions of this
24 paragraph.

1 “(II) CONSIDERATIONS.—In eval-
2 uating the eligibility of a borrower for
3 a covered loan with the terms de-
4 scribed in this paragraph, a lender
5 shall consider whether the borrower—

6 “(aa) was in operation on
7 February 15, 2020;

8 “(bb)(AA) had employees
9 for whom the borrower paid sala-
10 ries and payroll taxes; or

11 “(BB) paid independent
12 contractors, as reported on a
13 Form 1099–MISC; and

14 “(cc) is substantially im-
15 pacted by public health restric-
16 tions related to the Coronavirus
17 2019 (COVID–19).

18 “(iii) ADDITIONAL LENDERS.—The
19 authority to make loans under this para-
20 graph shall be extended to additional lend-
21 ers determined by the Administrator and
22 the Secretary of the Treasury to have the
23 necessary qualifications to process, close,
24 disburse and service loans made with the
25 guarantee of the Administration.

1 “(iv) LIMITATION.—An eligible recipi-
2 ent of a covered loan for purposes of pay-
3 ing payroll costs and other obligations de-
4 scribed in this subparagraph shall not be
5 eligible to receive an economic injury dis-
6 aster loan under subsection (b)(2) for the
7 same purpose.

8 “(G) BORROWER REQUIREMENTS.—

9 “(i) CERTIFICATION.—An eligible re-
10 cipient applying for a covered loan shall
11 make a good faith certification—

12 “(I) that the uncertainty of cur-
13 rent economic conditions makes nec-
14 essary the loan request to support the
15 ongoing operations of the eligible re-
16 cipient; and

17 “(II) acknowledging that funds
18 will be used to retain workers and
19 maintain payroll or make mortgage
20 payments, lease payments, and utility
21 payments.

22 “(ii) FULL-TIME EQUIVALENT EM-
23 PLOYEES.—An eligible recipient of a cov-
24 ered loan shall maintain an average
25 monthly number of full-time equivalent em-

1 employees (as defined in section 45R(d)(2) of
2 the Internal Revenue Code of 1986) during
3 the covered period that is not less than the
4 average monthly number of full-time equiv-
5 alent employees during the applicable pe-
6 riod described in subclause (I)(aa) or sub-
7 clause (II)(aa) of subparagraph (E)(i).

8 “(H) FEE WAIVER.—During the covered
9 period, with respect to a covered loan—

10 “(i) in lieu of the fee otherwise appli-
11 cable under paragraph (23)(A), the Ad-
12 ministrator shall collect no fee; and

13 “(ii) in lieu of the fee otherwise appli-
14 cable under paragraph (18)(A), the Ad-
15 ministrator shall collect no fee.

16 “(I) CREDIT ELSEWHERE.—During the
17 covered period, the requirement that a small
18 business concern is unable to obtain credit else-
19 where, as defined in section 3(h), shall not
20 apply to a covered loan.

21 “(J) COLLATERAL AND PERSONAL GUAR-
22 ANTEE REQUIREMENTS.—During the covered
23 period, with respect to a covered loan—

24 “(i) no collateral shall be required for
25 the covered loan; and

1 “(ii) no personal guarantee shall be
2 required for the covered loan.

3 “(K) MATURITY FOR LOANS WITH RE-
4 MAINING BALANCE AFTER APPLICATION OF
5 FORGIVENESS.—With respect to a covered loan
6 that has a remaining balance after reduction
7 based on the loan forgiveness amount under
8 section 1105 of the CARES Act—

9 “(i) the remaining balance shall con-
10 tinue to be guaranteed by the Administra-
11 tion under this subsection; and

12 “(ii) the covered loan shall have a
13 maximum maturity of 10 years from the
14 date on which the borrower applies for
15 loan forgiveness under that section.

16 “(L) INTEREST RATE REQUIREMENTS.—
17 During the covered period, a covered loan shall
18 bear an interest rate not to exceed 4 percent.

19 “(M) SUBSIDY RECOUPMENT FEE.—Not-
20 withstanding any other provision of law, a cov-
21 ered loan shall not be subject to a subsidy
22 recoupment fee.

23 “(N) LOAN DEFERMENT.—

24 “(i) DEFINITION OF IMPACTED BOR-
25 ROWER.—

1 “(I) IN GENERAL.—In this sub-
2 paragraph, the term ‘impacted bor-
3 rower’ means an eligible recipient
4 that—

5 “(aa) is in operation on
6 February 15, 2020; and

7 “(bb) has an application for
8 a covered loan that is approved
9 or pending approval on or after
10 the date of enactment of this
11 paragraph.

12 “(II) PRESUMPTION.—For pur-
13 poses of this subparagraph, an im-
14 pacted borrower is presumed to have
15 been adversely impacted by COVID-
16 19.

17 “(ii) DEFERRAL.—During the covered
18 period, the Administrator shall—

19 “(I) consider each eligible recipi-
20 ent that applies for a covered loan to
21 be an impacted borrower; and

22 “(II) require lenders under this
23 subsection to provide complete pay-
24 ment deferment relief for impacted
25 borrowers with covered loans for a pe-

1 riod of less than 6 months, including
2 payment of principal, interest, and
3 fees.

4 “(iii) SECONDARY MARKET.—During
5 the covered period, with respect to a cov-
6 ered loan that is sold on the secondary
7 market, if an investor declines to approve
8 a deferral requested by a lender under
9 clause (ii), the Administrator shall exercise
10 the authority to purchase the loan so that
11 the impacted borrower may receive a defer-
12 ral for a period of not less than 6 months
13 starting on the date on which the loan is
14 disbursed.

15 “(iv) GUIDANCE.—Not later than 30
16 days after the date of enactment of this
17 paragraph, the Administrator shall provide
18 guidance to lenders under this paragraph
19 on the deferment process described in this
20 subparagraph.

21 “(O) SECONDARY MARKET SALES.—A cov-
22 ered loan shall not be eligible to be sold in the
23 secondary market until the covered recipient of
24 the covered loan has requested the loan forgive-
25 ness authorized under section 1105 of the

1 CARES Act and the Administrator has finally
2 determined the amount of any forgiveness to
3 which the eligible recipient is entitled and has
4 made payment to the lender. Any remaining
5 balance on the loan after the application of that
6 payment may be sold in the secondary market.

7 “(P) REGULATORY CAPITAL REQUIRE-
8 MENTS.—

9 “(i) RISK WEIGHT.—With respect to
10 the appropriate Federal banking agencies
11 applying capital requirements under their
12 respective risk-based capital requirements,
13 a covered loan shall receive a risk weight
14 of zero percent.

15 “(ii) TEMPORARY RELIEF FROM TDR
16 DISCLOSURES.—Notwithstanding any other
17 provision of law, an insured depository in-
18 stitution that modifies a covered loan in re-
19 lation to COVID–19-related difficulties in
20 a troubled debt restructuring on or after
21 March 13, 2020, shall not be required to
22 comply with the Financial Accounting
23 Standards Board Accounting Standards
24 Codification Subtopic 310–40 (‘Receivables
25 – Troubled Debt Restructurings by Credi-

1 tors’) for purposes of compliance with the
2 requirements of the Federal Deposit Insur-
3 ance Act (12 U.S.C. 1811 et seq.), until
4 such time and under such circumstances as
5 the appropriate Federal banking agency
6 determines appropriate.

7 “(Q) REIMBURSEMENT FOR PROC-
8 ESSING.—

9 “(i) IN GENERAL.—The Administrator
10 shall reimburse a lender authorized to
11 make a covered loan at a rate of 5 percent
12 of the balance of the financing outstanding
13 at the time of disbursement of the covered
14 loan.

15 “(ii) TIMING.—A reimbursement de-
16 scribed in clause (i) shall be made not later
17 than 5 days after the disbursement of the
18 covered loan.

19 “(R) DUPLICATION.—Nothing in this
20 paragraph shall prohibit a recipient of an eco-
21 nomic injury disaster loan made under sub-
22 section (b)(2) during the period beginning on
23 February 15, 2020 and ending on March 31,
24 2020 from receiving assistance under this para-
25 graph.”.

1 (b) COMMITMENTS FOR 7(a) LOANS.—During the pe-
2 riod beginning on February 15, 2020 and ending on June
3 30, 2020—

4 (1) the amount authorized for commitments for
5 general business loans authorized under section 7(a)
6 of the Small Business Act (15 U.S.C. 636(a)), in-
7 cluding loans made under paragraph (36) of such
8 section, as added by subsection (a), shall be
9 \$349,000,000,000; and

10 (2) the amount authorized for commitments for
11 such loans under the heading “BUSINESS LOANS
12 PROGRAM ACCOUNT” under the heading “Small
13 Business Administration” under title V of the Con-
14 solidated Appropriations Act, 2020 (Public Law
15 116–93; 133 Stat. 2475) shall not apply.

16 (c) EXPRESS LOANS.—

17 (1) IN GENERAL.—Section 7(a)(31)(D) of the
18 Small Business Act (15 U.S.C. 636(a)(31)(D)) is
19 amended by striking “\$350,000” and inserting
20 “\$1,000,000”.

21 (2) PROSPECTIVE REPEAL.—Effective on Janu-
22 ary 1, 2021, section 7(a)(31)(D) of the Small Busi-
23 ness Act (15 U.S.C. 636(a)(31)(D)) is amended by
24 striking “\$1,000,000” and inserting “\$350,000”.

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

4 (1) by striking clause (ii); and

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

6 (e) INTERIM RULE.—On and after the date of enact-
7 ment of this Act, the interim final rule published by the
8 Administrator entitled “Express Loan Programs: Affili-
9 ation Standards” (85 Fed. Reg. 7622 (February 10,
10 2020)) shall have no force or effect.

11 **SEC. 190003. ENTREPRENEURIAL DEVELOPMENT.**

12 (a) DEFINITIONS.—In this section—

13 (1) the term “resource partner” means—

14 (A) a small business development center;

15 and

16 (B) a women’s business center;

17 (2) the term “small business development cen-
18 ter” has the meaning given the term in section 3 of
19 the Small Business Act (15 U.S.C. 632); and

20 (3) the term “women’s business center” means
21 a women’s business center described in section 29 of
22 the Small Business Act (15 U.S.C. 656).

23 (b) EDUCATION, TRAINING, AND ADVISING
24 GRANTS.—

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

5 (2) USE OF FUNDS.—Grants under this sub-
6 section shall be used for the education, training, and
7 advising of covered small business concerns and
8 their employees on—

9 (A) accessing and applying for resources
10 provided by the Administration and other Fed-
11 eral resources relating to access to capital and
12 business resiliency;

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

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

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

23 (E) the management and practice of re-
24 mote customer service by electronic or other
25 means;

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

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

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

11 (3) GRANT DETERMINATION.—

12 (A) SMALL BUSINESS DEVELOPMENT CEN-
13 TERS.—The Administration shall award 80 per-
14 cent of funds authorized to carry out this sub-
15 section to small business development centers,
16 which shall be awarded pursuant to a formula
17 jointly developed, negotiated, and agreed upon,
18 with full participation of both parties, between
19 the association formed under section
20 21(a)(3)(A) of the Small Business Act (15
21 U.S.C. 648(a)(3)(A)) and the Administration.

22 (B) WOMEN’S BUSINESS CENTERS.—The
23 Administration shall award 20 percent of funds
24 authorized to carry out this subsection to wom-
25 en’s business centers, which shall be awarded

1 pursuant to a process established by the Ad-
2 ministration in consultation with recipients of
3 assistance.

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

7 (4) GOALS AND METRICS.—

8 (A) IN GENERAL.—Goals and metrics for
9 the funds made available under this subsection
10 shall be jointly developed, negotiated, and
11 agreed upon, with full participation of both par-
12 ties, between the resource partners and the Ad-
13 ministrator, which shall—

14 (i) take into consideration the extent
15 of the circumstances relating to the spread
16 of COVID–19, or similar occurrences, that
17 affect covered small business concerns lo-
18 cated in the areas covered by the resource
19 partner, particularly in rural areas or eco-
20 nomically distressed areas;

21 (ii) generally follow the use of funds
22 outlined in paragraph (2), but shall not re-
23 strict the activities of resource partners in
24 responding to unique situations; and

1 (iii) encourage resource partners to
2 develop and provide services to covered
3 small business concerns.

4 (B) PUBLIC AVAILABILITY.—The Adminis-
5 trator shall make publicly available the method-
6 ology by which the Administrator and resource
7 partners jointly develop the metrics and goals
8 described in subparagraph (A).

9 (c) RESOURCE PARTNER ASSOCIATION GRANTS.—

10 (1) IN GENERAL.—The Administrator may pro-
11 vide grants to an association or associations rep-
12 resenting resource partners under which the associa-
13 tion or associations shall establish a single central-
14 ized hub for COVID–19 information, which shall in-
15 clude—

16 (A) 1 online platform that consolidates re-
17 sources and information available across mul-
18 tiple Federal agencies for small business con-
19 cerns related to COVID–19; and

20 (B) a training program to educate resource
21 partner counselors, members of the Service
22 Corps of Retired Executives established under
23 section 8(b)(1)(B) of the Small Business Act
24 (15 U.S.C. 637(b)(1)(B)), and counselors at
25 veterans business outreach centers described in

1 section 32 of the Small Business Act (15
2 U.S.C. 657b) on the resources and information
3 described in subparagraph (A).

4 (2) GOALS AND METRICS.—Goals and metrics
5 for the funds made available under this subsection
6 shall be jointly developed, negotiated, and agreed
7 upon, with full participation of both parties, between
8 the association or associations receiving a grant
9 under this subsection and the Administrator.

10 (d) REPORT.—Not later than 6 months after the date
11 of enactment of this Act, and annually thereafter, the Ad-
12 ministrator shall submit to the Committee on Small Busi-
13 ness and Entrepreneurship of the Senate and the Com-
14 mittee on Small Business of the House of Representatives
15 a report that describes—

16 (1) with respect to the initial year covered by
17 the report—

18 (A) the programs and services developed
19 and provided by the Administration and re-
20 source partners under subsection (b);

21 (B) the initial efforts to provide those serv-
22 ices under subsection (b); and

23 (C) the online platform and training devel-
24 oped and provided by the Administration and

1 the association or associations under subsection
2 (c); and

3 (2) with respect to the subsequent years covered
4 by the report—

5 (A) with respect to the grant program
6 under subsection (b)—

7 (i) the efforts of the Administrator
8 and resource partners to develop services
9 to assist covered small business concerns;

10 (ii) the challenges faced by owners of
11 covered small business concerns in access-
12 ing services provided by the Administration
13 and resource partners;

14 (iii) the number of unique covered
15 small business concerns that were served
16 by the Administration and resource part-
17 ners; and

18 (iv) other relevant outcome perform-
19 ance data with respect to covered small
20 business concerns, including the number of
21 employees affected, the effect on sales, the
22 disruptions of supply chains, and the ef-
23 forts made by the Administration and re-
24 source partners to mitigate these effects;
25 and

1 (B) with respect to the grant program
2 under subsection (c)—

3 (i) the efforts of the Administrator
4 and the association or associations to de-
5 velop and evolve an online resource for
6 small business concerns; and

7 (ii) the efforts of the Administrator
8 and the association or associations to de-
9 velop a training program for resource part-
10 ner counselors, including the number of
11 counselors trained.

12 **SEC. 190004. WAIVER OF MATCHING FUNDS REQUIREMENT**
13 **UNDER THE WOMEN'S BUSINESS CENTER**
14 **PROGRAM.**

15 During the 3-month period beginning on the date of
16 enactment of this Act, the requirement relating to obtain-
17 ing cash contributions from non-Federal sources under
18 section 29(c)(1) of the Small Business Act (15 U.S.C.
19 656(c)(1)) is waived for any recipient of assistance under
20 such section 29.

21 **SEC. 190005. LOAN FORGIVENESS.**

22 (a) DEFINITIONS.—In this section—

23 (1) the term “covered loan” means a loan guar-
24 anteed under paragraph (36) of section 7(a) of the

1 Small Business Act (15 U.S.C. 636(a)), as added by
2 section 1102;

3 (2) the term “covered mortgage obligation”
4 means any indebtedness or debt instrument incurred
5 in the ordinary course of business that—

6 (A) is a liability of the borrower;

7 (B) is a mortgage on real or personal
8 property; and

9 (C) was incurred before February 15,
10 2020;

11 (3) the term “covered period” means the 8-
12 week period beginning on date of the origination of
13 a covered loan;

14 (4) the term “covered rent obligation” means
15 rent obligated under a leasing agreement in force be-
16 fore February 15, 2020;

17 (5) the term “covered utility payment” means
18 payment for a service for the distribution of elec-
19 tricity, gas, water, transportation, telephone, or
20 internet access for which service began before Feb-
21 ruary 15, 2020;

22 (6) the term “eligible recipient” means the re-
23 cipient of a covered loan;

24 (7) the term “expected forgiveness amount”
25 means the amount of principal that a lender reason-

1 ably expects a borrower to expend during the cov-
2 ered period on the sum of any—

3 (A) payroll costs;

4 (B) payments of interest on any covered
5 mortgage obligation (which shall not include
6 any prepayment of or payment of principal on
7 a covered mortgage obligation);

8 (C) payments on any covered rent obliga-
9 tion; and

10 (D) covered utility payments; and

11 (8) the term “payroll costs” has the meaning
12 given that term in paragraph (36) of section 7(a) of
13 the Small Business Act (15 U.S.C. 636(a)), as
14 added by section 190002(a)(2) of this division.

15 (b) FORGIVENESS.—An eligible recipient shall be eli-
16 gible for forgiveness of indebtedness on a covered loan in
17 an amount equal to the sum of the following costs incurred
18 and payments made during the covered period:

19 (1) Payroll costs.

20 (2) Any payment of interest on any covered
21 mortgage obligation (which shall not include any
22 prepayment of or payment of principal on a covered
23 mortgage obligation).

24 (3) Any payment on any covered rent obliga-
25 tion.

1 (4) Any covered utility payment.

2 (c) TREATMENT OF AMOUNTS FORGIVEN.—

3 (1) IN GENERAL.—Amounts which have been
4 forgiven under this section shall be considered can-
5 celed indebtedness by a lender authorized under sec-
6 tion 7(a) of the Small Business Act (15 U.S.C.
7 636(a)).

8 (2) PURCHASE OF GUARANTEES.—For purposes
9 of the purchase of the guarantee for a covered loan
10 by the Administrator, amounts which are forgiven
11 under this section shall be treated in accordance
12 with the procedures that are otherwise applicable to
13 a loan guaranteed under section 7(a) of the Small
14 Business Act (15 U.S.C. 636(a)).

15 (3) REMITTANCE.—Not later than 90 days
16 after the date on which the amount of forgiveness
17 under this section is determined, the Administrator
18 shall remit to the lender an amount equal to the
19 amount of forgiveness, plus any interest accrued
20 through the date of payment.

21 (4) ADVANCE PURCHASE OF COVERED LOAN.—

22 (A) REPORT.—A lender authorized under
23 section 7(a) of the Small Business Act (15
24 U.S.C. 636(a)) may report to the Administrator
25 an expected forgiveness amount on a covered

1 loan or on a pool of covered loans of up to 100
2 percent of the principal on the covered loan or
3 pool of covered loans, respectively.

4 (B) PURCHASE.—The Administrator shall
5 purchase the expected forgiveness amount de-
6 scribed in subparagraph (A) as if the amount
7 were the principal amount of a loan guaranteed
8 under section 7(a) of the Small Business Act
9 636(a).

10 (C) TIMING.—Not later than 5 days after
11 the date on which the Administrator receives a
12 report under subparagraph (A), the Adminis-
13 trator shall purchase the expected forgiveness
14 amount under subparagraph (B) with respect to
15 each covered loan to which the report relates.

16 (d) LIMITS ON AMOUNT OF FORGIVENESS.—

17 (1) AMOUNT MAY NOT EXCEED PRINCIPAL.—
18 The amount of loan forgiveness under this section
19 shall not exceed the principal amount of the financ-
20 ing made available under the applicable covered
21 loan.

22 (2) REDUCTION BASED ON REDUCTION IN NUM-
23 BER OF EMPLOYEES.—

24 (A) IN GENERAL.—The amount of loan
25 forgiveness under this section shall be reduced,

1 but not increased, by multiplying the amount
2 described in subsection (b) by the quotient ob-
3 tained by dividing—

4 (i) the average number of full-time
5 equivalent employees per month employed
6 by the eligible recipient during the covered
7 period; by

8 (ii)(I) the average number of full-time
9 equivalent employees per month employed
10 by the eligible recipient during the period
11 beginning on February 15, 2019 and end-
12 ing on June 30, 2019;

13 (II) if the eligible recipient was not in
14 operation before June 30, 2019, the aver-
15 age number of full-time equivalent employ-
16 ees per month employed by the eligible re-
17 cipient during the period beginning on
18 January 1, 2020 and ending on February
19 29, 2020; or

20 (III) in the case of an eligible recipi-
21 ent that is seasonal employer, as deter-
22 mined by the Administrator, the average
23 number of full-time equivalent employees
24 per month employed by the eligible recipi-
25 ent during the period beginning on Feb-

1 ruary 15, 2019 and ending on June 30,
2 2019.

3 (B) CALCULATION OF AVERAGE NUMBER
4 OF EMPLOYEES.—For purposes of subpara-
5 graph (A), the average number of full-time
6 equivalent employees shall be determined by
7 calculating the average number of full-time
8 equivalent employees for each pay period falling
9 within a month.

10 (3) REDUCTION RELATING TO SALARY AND
11 WAGES.—

12 (A) IN GENERAL.—The amount of loan
13 forgiveness under this section shall be reduced
14 by the amount of any reduction in total salary
15 or wages of any employee described in subpara-
16 graph (B) during the covered period that is in
17 excess of 25 percent of the total salary or wages
18 of the employee during the most recent full
19 quarter during which the employee was em-
20 ployed before the covered period.

21 (B) EMPLOYEES DESCRIBED.—An em-
22 ployee described in this subparagraph is any
23 employee who did not receive, during any single
24 pay period during 2019, wages or salary at an

1 annualized rate of pay in an amount more than
2 \$100,000.

3 (4) EXCEPTION FOR TIPPED WORKERS.—An el-
4 igible recipient with tipped employees described in
5 section 3(m)(2)(A) of the Fair Labor Standards Act
6 of 1938 (29 U.S.C. 203(m)(2)(A)) may receive for-
7 giveness for additional wages paid to those employ-
8 ees.

9 (5) EXEMPTION FOR RE-HIRES.—

10 (A) IN GENERAL.—In a circumstance de-
11 scribed in subparagraph (B), the amount of
12 loan forgiveness under this section shall be de-
13 termined without regard to a reduction in the
14 number of full-time equivalent employees of an
15 eligible recipient or a reduction in the salary of
16 1 or more employees of the eligible recipient, as
17 applicable, during the period beginning on Feb-
18 ruary 15, 2020 and ending on April 1, 2020.

19 (B) CIRCUMSTANCES.—A circumstance de-
20 scribed in this subparagraph is a cir-
21 cumstance—

22 (i) in which—

23 (I) during the period beginning
24 on February 15, 2020 and ending on
25 April 1, 2020, there is a reduction, as

1 compared to February 15, 2020, in
2 the number of full-time equivalent em-
3 ployees of an eligible recipient; and

4 (II) not later than June 30,
5 2020, the eligible employer has elimi-
6 nated the reduction in the number of
7 full-time equivalent employees;

8 (ii) in which—

9 (I) during the period beginning
10 on February 15, 2020 and ending on
11 April 1, 2020, there is a reduction, as
12 compared to February 15, 2020, in
13 the salary or wages of 1 or more em-
14 ployees of the eligible recipient; and

15 (II) not later than June 30,
16 2020, the eligible employer has elimi-
17 nated the reduction in the salary or
18 wages of such employees; or

19 (iii) in which the events described in
20 clause (i) and (ii) occur.

21 (e) APPLICATION.—An eligible recipient seeking loan
22 forgiveness under this section shall submit to the lender
23 that originated the covered loan an application, which
24 shall include—

1 (1) documentation verifying the number of full-
2 time equivalent employees on payroll and pay rates
3 for the periods described in subsection (d), includ-
4 ing—

5 (A) payroll tax filings reported to the In-
6 ternal Revenue Service; and

7 (B) State income, payroll, and unemploy-
8 ment insurance filings;

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

14 (3) a certification from a representative of the
15 eligible recipient authorized to make such certifi-
16 cations that—

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

19 (B) the amount for which forgiveness is re-
20 quested was used to retain employees, make in-
21 terest payments on a covered mortgage obliga-
22 tion, make payments on a covered rent obliga-
23 tion, or make covered utility payments; and

24 (4) any other documentation the Administrator
25 determines necessary.

1 (f) PROHIBITION ON FORGIVENESS WITHOUT DOCU-
2 MENTATION.—No eligible recipient shall receive forgive-
3 ness under this section without submitting to the lender
4 that originated the covered loan the documentation re-
5 quired under subsection (e).

6 (g) DECISION.—Not later than 60 days after the date
7 on which a lender receives an application for loan forgive-
8 ness under this section from an eligible recipient, the lend-
9 er shall issue a decision on the an application.

10 (h) SAFE HARBOR.—If a lender determines that an
11 eligible recipient has accurately verified the payments for
12 payroll costs, payments on covered mortgage obligations,
13 payments on covered lease obligations, or covered utility
14 payments during covered period—

15 (1) an enforcement action may not be taken
16 against the lender under section 47(e) of the Small
17 Business Act (15 U.S.C. 657t(e)) relating to loan
18 forgiveness for the payments for payroll costs, pay-
19 ments on covered mortgage obligations, payments on
20 covered lease obligations, or covered utility pay-
21 ments, as the case may be; and

22 (2) the lender shall not be subject to any pen-
23 alties by the Administrator relating to loan forgive-
24 ness for the payments for payroll costs, payments on
25 covered mortgage obligations, payments on covered

1 lease obligations, or covered utility payments, as the
2 case may be.

3 (i) TAXABILITY.—Canceled indebtedness under this
4 section shall be excluded from gross income for purposes
5 of the Internal Revenue Code of 1986.

6 (j) RULE OF CONSTRUCTION.—The cancellation of
7 indebtedness on a covered loan under this section shall not
8 otherwise modify the terms and conditions of the covered
9 loan.

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

13 **SEC. 190006. MINORITY BUSINESS DEVELOPMENT AGENCY.**

14 (a) DEFINITIONS.—In this section—

15 (1) the term “Agency” means the Minority
16 Business Development Agency of the Department of
17 Commerce; and

18 (2) the term “minority business center” means
19 a Business Center of the Agency.

20 (b) EDUCATION, TRAINING, AND ADVISING
21 GRANTS.—

22 (1) IN GENERAL.—The Agency may provide fi-
23 nancial assistance in the form of grants to minority
24 business centers to provide education, training, and
25 advising to covered small business concerns.

1 (2) USE OF FUNDS.—Grants under this section
2 shall be used for the education, training, and advis-
3 ing of covered small business concerns and their em-
4 ployees on—

5 (A) accessing and applying for resources
6 provided by the Agency and other Federal re-
7 sources relating to access to capital and busi-
8 ness resiliency;

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

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

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

19 (E) the management and practice of re-
20 mote customer service by electronic or other
21 means;

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

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

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

8 (3) NO MATCHING FUNDS REQUIRED.—Match-
9 ing funds shall not be required for any grant under
10 this section.

11 (4) GOALS AND METRICS.—

12 (A) IN GENERAL.—Goals and metrics for
13 the funds made available under this section
14 shall be jointly developed, negotiated, and
15 agreed upon, with full participation of both par-
16 ties, between the minority business centers and
17 the Agency, which shall—

18 (i) take into consideration the extent
19 of the circumstances relating to the spread
20 of COVID–19, or similar occurrences, that
21 affect covered small business concerns lo-
22 cated in the areas covered by the minority
23 business centers, particularly in rural areas
24 or economically distressed areas;

1 (ii) generally follow the use of funds
2 outlined in paragraph (2), but shall not re-
3 strict the activities of minority business
4 centers in responding to unique situations;
5 and

6 (iii) encourage minority business cen-
7 ters to develop and provide services to cov-
8 ered small business concerns.

9 (B) PUBLIC AVAILABILITY.—The Agency
10 shall make publicly available the methodology
11 by which the Agency and minority business cen-
12 ters jointly develop the metrics and goals de-
13 scribed in subparagraph (A).

14 (5) AUTHORIZATION OF APPROPRIATIONS.—
15 There is authorized to be appropriated \$10,000,000
16 to carry out this section, to remain available until
17 expended.

18 (c) WAIVERS.—

19 (1) IN GENERAL.—Notwithstanding any other
20 provision of law or regulation, the Agency may, dur-
21 ing the 3-month period that begins on the date of
22 enactment of this Act, waive any matching require-
23 ment imposed on a minority business center or spe-
24 cialty center of the Agency under a cooperative
25 agreement between such a center and the Agency if

1 the applicable center is unable to raise funds, or has
2 suffered a loss of revenue, because of the effects of
3 COVID–19.

4 (2) REMAINING COMPLIANT.—Notwithstanding
5 any provision of a cooperative agreement between
6 the Agency and a minority business center, if, dur-
7 ing the period beginning on the date of enactment
8 of this Act and ending on September 30, 2021, such
9 a center decides not to collect fees because of the
10 economic consequences of COVID–19, the center
11 shall be considered to be in compliance with that
12 agreement if—

13 (A) the center notifies the Agency with re-
14 spect to that decision, which the center may
15 provide through electronic mail; and

16 (B) the Agency, not later than 15 days
17 after the date on which the center provides no-
18 tice to the Agency under subparagraph (A)—

19 (i) confirms receipt of the notification
20 under subparagraph (A); and

21 (ii) accepts the decision of the center.

22 **SEC. 190007. CONTRACTING.**

23 (a) DEFINITION.—In this section, the term “covered
24 entity” means a small business concern or nonprofit orga-
25 nization—

1 (1) that is a party to a contract with a Federal
2 agency; and

3 (2) for which the contractor performance is ad-
4 versely impacted as a result of COVID–19.

5 (b) PROMOTION OF SMALL BUSINESS CON-
6 TRACTING.—

7 (1) SMALL BUSINESS CONTRACTING RELIEF.—

8 (A) IN GENERAL.—Notwithstanding any
9 other provision of law or regulation, and except
10 as provided in subparagraph (B), during the pe-
11 riod beginning on the date of enactment of this
12 Act and ending on September 30, 2021, the
13 head of the Federal agency with which a cov-
14 ered entity has a contract shall provide the cov-
15 ered entity with the greater of—

16 (i) 30 additional days to carry out the
17 responsibilities of the covered entity under
18 the contract; or

19 (ii) an additional amount of time to
20 carry out the responsibilities of the covered
21 entity under the contract that the head of
22 the Federal agency determines to be ap-
23 propriate after taking into consideration
24 the severity of the adverse impact experi-
25 enced by the covered entity.

1 (B) EXCLUSION OF MISSION-CRITICAL
2 CONTRACTS.—Subparagraph (A) shall not apply
3 to any contract that the head of the Federal
4 agency that is a party to the contract deter-
5 mines is critical to carrying out the mission of
6 the Federal agency.

7 (2) PAYMENT CONTINUATION.—If the perform-
8 ance of all or any part of the work of a Federal
9 goods or services contract with a contractor that is
10 a small business concern or a nonprofit organization
11 in force and effect during the period beginning on
12 the date of enactment of this Act and ending on
13 September 30, 2021, is unavoidably delayed or inter-
14 rupted by the inability of the employees of the small
15 business concern or nonprofit organization, as appli-
16 cable, to access Government facilities, systems, or
17 other Government-provided resources due to restric-
18 tions related to COVID–19 that have been imposed
19 by any authority or due to orders or instructions
20 issued by the contracting agency in response to
21 COVID–19—

22 (A) the Government shall pay the small
23 business concern or nonprofit organization, as
24 applicable, upon the submission of the docu-
25 mentation required by the contract and accord-

1 ing to the terms specified in the contract, the
2 prices stipulated in the contract for goods or
3 services as if the small business concern or non-
4 profit organization, as applicable, had rendered
5 and the Government accepted the goods or serv-
6 ices; and

7 (B) contractor delivery schedules shall be
8 revised and the small business concern or non-
9 profit organization, as applicable, shall be eligi-
10 ble for equitable adjustments based on the re-
11 vised schedules.

12 (3) PROMPT PAYMENTS.—Notwithstanding any
13 other provision of law or regulation, during any pe-
14 riod in which the President invokes the authorities
15 of the Defense Production Act of 1950 (50 U.S.C.
16 4501 et seq.), for any payment due by the head of
17 a Federal agency on a contract for an item of prop-
18 erty or service provided—

19 (A) with respect to a prime contractor (as
20 defined in section 8701 of title 41, United
21 States Code) that is a small business concern or
22 nonprofit organization, the head of the Federal
23 agency shall, to the fullest extent permitted by
24 law and to the maximum extent practicable, es-
25 tablish an accelerated payment date of 15 days

1 after a proper invoice for the amount due is re-
2 ceived; and

3 (B) with respect to a prime contractor (as
4 defined in section 8701 of title 41, United
5 States Code) that subcontracts with a small
6 business concern or nonprofit organization, the
7 head of the Federal agency shall, to fullest ex-
8 tent permitted by law and to the maximum ex-
9 tent practicable, establish an accelerated pay-
10 ment date of 15 days after receipt of a proper
11 invoice for the amount due if the prime con-
12 tractor agrees to make payments to the subcon-
13 tractor in accordance with the accelerated pay-
14 ment date, to the maximum extent practicable,
15 without any further consideration from or fees
16 charged to the subcontractor.

17 (4) BAR ON MULTIPLE FORMS OF CONTRACT
18 RELIEF.—A small business concern or nonprofit or-
19 ganization may not receive a modification of terms
20 or assistance under more than 1 paragraph of this
21 subsection with respect to any single contract.

22 (c) RESOLICITATION OF CONTRACTS WITH SMALL
23 BUSINESS CONCERNS.—During fiscal years 2021 and
24 2022, a Federal agency shall not cancel a contract in
25 which the prime contractor (as defined in section 8701

1 of title 41, United States Code) is a small business con-
2 cern that defaulted on the terms of the contract directly
3 or indirectly due to the COVID–19 unless the Director
4 of Small and Disadvantaged Business Utilization of the
5 Federal agency certifies that—

6 (1) the contract is mission-critical;

7 (2) resolicitation of the contract would allow a
8 faster delivery than the small business concern could
9 provide; and

10 (3) the resolicitation of the contract is, to the
11 greatest extent possible, awarded to another small
12 business concern.

13 (d) 8(a) EXTENSION.—The Administrator of the
14 Small Business Administration shall allow a small busi-
15 ness concern participating in the program established
16 under section 8(a) of the Small Business Act on the date
17 of enactment of this section, to extend such participation
18 by a period of 1 year from the date of the concern’s admis-
19 sion to the program.

20 **SEC. 190008. UNITED STATES TREASURY PROGRAM MAN-**
21 **AGEMENT AUTHORITY.**

22 (a) AUTHORITY TO INCLUDE ADDITIONAL FINAN-
23 CIAL INSTITUTIONS.—The Department of the Treasury,
24 in consultation with the Administration, the Farm Credit
25 Administration, and the other Federal financial regulatory

1 agencies (as defined in section 313(r) of title 31, United
2 States Code), shall establish criteria for insured depository
3 institutions (as defined in section 3 of the Federal Deposit
4 Insurance Act (12 U.S.C. 1813)), institutions of the Farm
5 Credit System chartered under the Farm Credit Act of
6 1971 (12 U.S.C. 2001 et seq.), and other lenders that do
7 not already participate in lending under programs of the
8 Administration, to participate in the small business inter-
9 ruption loans program to provide loans under this section
10 until the date on which the national emergency declared
11 by the President under the National Emergencies Act (50
12 U.S.C. 1601 et seq.) with respect to the Coronavirus Dis-
13 ease 2019 (COVID–19) expires.

14 (b) SAFETY AND SOUNDNESS.—An insured deposi-
15 tory institution (as defined in section 3 of the Federal De-
16 posit Insurance Act (12 U.S.C. 1813)), institution of the
17 Farm Credit System chartered under the Farm Credit Act
18 of 1971 (12 U.S.C. 2001 et seq.), or other lender may
19 only participate in the program established under this sec-
20 tion if participation does not affect the safety and sound-
21 ness of the institution or lender.

22 (c) REGULATIONS FOR LENDERS AND LOANS.—

23 (1) IN GENERAL.—The Secretary of the Treas-
24 ury, in consultation with the Administrator, shall
25 issue regulations and guidance in order to direct ad-

1 ditional lenders under this section and establish
2 terms and conditions for small business interruption
3 loans under this section, including terms concerning
4 compensation, underwriting standards, interest
5 rates, and maturity.

6 (2) REQUIREMENTS.—The terms and condi-
7 tions established under paragraph (1) shall provide
8 for the following:

9 (A) A rate of interest that does not exceed
10 the maximum permissible rate of interest avail-
11 able on a loan of comparable maturity under
12 paragraph (36) of section 7(a) of the Small
13 Business Act (15 U.S.C. 636(a)), as added by
14 section 190002(a)(2) of this division.

15 (B) Terms and conditions that, to the
16 maximum extent practicable, are the same as
17 the terms and conditions required under the fol-
18 lowing provisions of paragraph (36) of section
19 7(a) of the Small Business Act (15 U.S.C.
20 636(a)), as added by section 190002(a) of this
21 division:

22 (i) Subparagraph (D), pertaining to
23 borrower eligibility.

24 (ii) Subparagraph (E), pertaining to
25 the maximum loan amount.

1 (iii) Subparagraph (F)(i), pertaining
2 to allowable uses of program loans.

3 (iv) Subparagraph (H), pertaining to
4 fee waivers.

5 (v) Subparagraph (N), pertaining to
6 loan deferment.

7 (C) A guarantee percentage that, to the
8 maximum extent practicable, is the same as the
9 guarantee percentage required under subpara-
10 graph (F) of section 7(a)(2) of the Small Busi-
11 ness Act (15 U.S.C. 636(a)(2)), as added by
12 section 190002 of this division.

13 (D) Loan forgiveness under terms and con-
14 ditions that, to the maximum extent prac-
15 ticable, are the same as the terms and condi-
16 tions for loan forgiveness under section 190005
17 of this division.

18 (d) ADDITIONAL REGULATIONS GENERALLY.—The
19 Secretary of the Treasury may issue regulations and guid-
20 ance as may be necessary to carry out the purposes of
21 this section.

22 (e) CERTIFICATION.—As a condition of receiving a
23 loan under this section, a borrower shall certify under
24 terms acceptable to the Secretary of the Treasury that the
25 borrower—

1 (1) does not have an application pending for a
2 loan under section 7(a) of the Small Business Act
3 (15 U.S.C. 636(a)); and

4 (2) has not received such a loan during the pe-
5 riod beginning on February 15, 2020 and ending on
6 December 31, 2020.

7 (f) PROGRAM ADMINISTRATION.—Under the infra-
8 structure of the Department of the Treasury and with
9 guidance from the Secretary of the Treasury, the Adminis-
10 trator shall administer the program established under this
11 section, including the making and purchasing of guaran-
12 tees on loans under the program, until the date on which
13 the national emergency declared by the President under
14 the National Emergencies Act (50 U.S.C. 1601 et seq.)
15 with respect to the Coronavirus Disease 2019 (COVID-
16 19) expires.

17 (g) CRIMINAL PENALTIES.—A loan under this sec-
18 tion shall be deemed to be a loan under the Small Business
19 Act (15 U.S.C. 631 et seq.) for purposes of section 16
20 of such Act (15 U.S.C. 645).

21 **SEC. 190009. EMERGENCY ECONOMIC INJURY GRANTS FOR**
22 **ADDITIONAL COVERED ENTITIES.**

23 (a) IN GENERAL.—The Administrator of the Small
24 Business Administration shall provide grants to additional
25 covered entities that have suffered a substantial economic

1 injury (as defined in section 7(b)(2) of the Small Business
2 Act (15 U.S.C. 636(b)(2))), directly or indirectly, as a re-
3 sult of the public health emergency declared because of
4 COVID–19.

5 (b) ADDITIONAL COVERED ENTITY DEFINED.—The
6 term “additional covered entity” means—

7 (1) a business concern that employs not more
8 than 500 employees per physical location of the busi-
9 ness concern and that is assigned a North American
10 Industry Classification System code beginning with
11 71; 72; 44; 45; and 812930;

12 (2) a small business concern (as defined under
13 section 3 of the Small Business Act (15 U.S.C.
14 632)); and

15 (3) if such person was in operation on or before
16 January 31, 2020—

17 (A) a individual who operates under a sole
18 proprietorship or as an independent contractor;

19 (B) a cooperative that employs not more
20 than 500 employees per physical location of the
21 cooperative;

22 (C) an ESOP (as defined in section
23 3(q)(6) of the Small Business Act (15 U.S.C.
24 632(q)(6))) that employs not more than 500
25 employees per physical location of the ESOP;

1 (D) an organization serving veterans or
2 members of the Armed Forces (as defined in
3 section 501(c)(19) of the Internal Revenue
4 Code of 1986, that is exempt from taxation
5 under subsection (a) of such section);

6 (E) a private non-profit organization that
7 employs not more than 500 employees per phys-
8 ical location of the organization; or

9 (F) a start-up small business concern that
10 employs not more than 500 employees per phys-
11 ical location of the concern.

12 (c) PROCESS.—The Administrator shall use the exist-
13 ing direct loan application process administered under sec-
14 tion 7(b) of the Small Business Act (15 U.S.C. 636(b))
15 to disburse grant funds, to greatest extent possible, within
16 3 days after receiving an application from an additional
17 covered entity.

18 (d) VERIFICATION.—Before disbursing amounts
19 under this subsection, the Administrator shall verify that
20 the applicant is an additional covered entity.

21 (e) EXEMPTION FROM AFFILIATION RULES.—For
22 the purposes of this section, the Administrator of the
23 Small Business Administration shall suspend the applica-
24 tion of the affiliation rules of the Administration during
25 the period beginning on January 31, 2020 and ending on

1 September 30, 2021, except that individual affiliates may
2 not exceed the current small business size standard for
3 the industry in which the affiliate operates, and any group
4 of affiliates may not receive more than 3 times the max-
5 imum allowable grant amount under subsection (f).

6 (f) AMOUNT OF GRANT.—The amount of a grant pro-
7 vided under this section shall be not more than \$10,000.

8 (g) USE OF FUNDS.—An additional covered entity
9 that receives a grant under this section may use the grant
10 funds to address the direct effects of the COVID–19 pan-
11 demic, including—

12 (1) payroll support, including paid sick, med-
13 ical, or family leave and costs related to the continu-
14 ation of health care benefits;

15 (2) maintaining payroll to retain employees dur-
16 ing business disruptions or substantial slowdowns;

17 (3) meeting increased costs to obtain materials
18 unavailable from the original source of the additional
19 covered entity due to interrupted supply chains;

20 (4) making payments under a lease or mortgage
21 loan, or a contract for utility services, related to a
22 place of operation of the additional covered entity;

23 (5) repaying obligations that cannot be met due
24 to revenue losses; and

1 (6) other expenses, as deemed appropriate by
2 the Administrator.

3 (h) ELIGIBILITY FOR ADDITIONAL ASSISTANCE.—An
4 additional covered entity that receives a grant under this
5 section may also apply for a loan under subsections (a)
6 or (b) of section 7 of the Small Business Act (15 U.S.C.
7 636).

8 (i) PROCEDURES.—The Administrator shall establish
9 procedures to verify and document the compliance of an
10 additional covered entity that receives a grant under this
11 section with the requirements under this section in order
12 to prevent waste, fraud, and abuse of such grant funds.

13 (j) REPORT.—Not later than March 31, 2022, the
14 Administrator of the Small Business Administration shall
15 submit to Congress a report that includes—

16 (1) the number of grants made under this sec-
17 tion, disaggregated by the number of grants made—

18 (A) in an amount less than or equal to
19 \$1,000;

20 (B) in an amount greater than \$2,000 but
21 less than or equal to \$3,000;

22 (C) in an amount greater than \$3,000 but
23 less than or equal to \$4,000;

24 (D) in an amount greater than \$4,000 but
25 less than or equal to \$5,000;

1 (E) in an amount greater than \$5,000 but
2 less than or equal to \$6,000;

3 (F) in an amount greater than \$6,000 but
4 less than or equal to \$7,000;

5 (G) in an amount greater than \$7,000 but
6 less than or equal to \$8,000;

7 (H) in an amount greater than \$8,000 but
8 less than or equal to \$9,000; and

9 (I) in an amount greater than \$9,000 but
10 less than or equal to \$10,000;

11 (2) the average amount of a grant award;

12 (3) an analysis of the program established
13 under this section and recommendations for im-
14 provement;

15 (4) the average time from receipt of an applica-
16 tion to approval of grant under this section; and

17 (5) the average time from approval of grant to
18 disbursement of grant funds.

19 (k) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to be appropriated \$100,000,000,000 to the
21 Administrator to carry out this section.

22 (l) TERMINATION.—The authority to carry out grants
23 under this section shall terminate on September 30, 2021.

1 **SEC. 190010. RESOURCES AND SERVICES IN LANGUAGES**
2 **OTHER THAN ENGLISH.**

3 (a) IN GENERAL.—The Administrator shall provide
4 the resources and services made available by the Adminis-
5 tration to small business concerns in the 10 most com-
6 monly spoken languages, other than English, in the
7 United States, which shall include Mandarin, Cantonese,
8 Japanese, and Korean.

9 (b) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to the Administrator
11 \$25,000,000 to carry out this section.

12 **SEC. 190011. SUBSIDY FOR CERTAIN LOAN PAYMENTS.**

13 (a) DEFINITION OF COVERED LOAN.—In this sec-
14 tion, the term “covered loan” means a loan that is—

15 (1) guaranteed by the Administration under—

16 (A) section 7(a) of the Small Business Act
17 (15 U.S.C. 636(a)), including a loan made
18 under the Community Advantage Pilot Program
19 of the Administration; or

20 (B) title V of the Small Business Invest-
21 ment Act of 1958 (15 U.S.C. 695 et seq.); or

22 (2) made by an intermediary to a small busi-
23 ness concern using loans or grants received under
24 section 7(m) of the Small Business Act (15 U.S.C.
25 636(m)).

1 (b) SENSE OF CONGRESS.—It is the sense of Con-
2 gress that—

3 (1) all borrowers are adversely affected by
4 COVID–19;

5 (2) relief payments by the Administration are
6 appropriate for all borrowers; and

7 (3) in addition to the relief provided under this
8 division, the Administration should encourage lend-
9 ers to provide payment deferments, when appro-
10 priate, and to extend the maturity of covered loans,
11 so as to avoid balloon payments or any requirement
12 for increases in debt payments resulting from
13 deferments provided by lenders during the period of
14 the national emergency declared by the President
15 under the National Emergencies Act (50 U.S.C.
16 1601 et seq.) with respect to the Coronavirus Dis-
17 ease 2019 (COVID–19).

18 (c) PRINCIPAL AND INTEREST PAYMENTS.—

19 (1) IN GENERAL.—The Administrator shall pay
20 the principal, interest, and any associated fees that
21 are owed on a covered loan in a regular servicing
22 status—

23 (A) with respect to a covered loan made
24 before the date of enactment of this Act and
25 not on deferment, for the 6-month period begin-

1 ning with the next payment due on the covered
2 loan;

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

8 (C) with respect to a covered loan made
9 during the period beginning on the date of en-
10 actment of this Act and ending on the date that
11 is 6 months after such date of enactment, for
12 the 6-month period beginning with the first
13 payment due on the covered loan.

14 (2) TIMING OF PAYMENT.—The Administrator
15 shall begin making payments under paragraph (1)
16 on a covered loan not later than 30 days after the
17 date on which the first such payment is due.

18 (3) APPLICATION OF PAYMENT.—Any payment
19 made by the Administrator under paragraph (1)
20 shall be applied to the covered loan such that the
21 borrower is relieved of the obligation to pay that
22 amount.

23 (d) OTHER REQUIREMENTS.—The Administrator
24 shall—

1 (1) communicate and coordinate with the Fed-
2 eral Deposit Insurance Corporation, the Office of the
3 Comptroller of the Currency, and State bank regu-
4 lators to encourage those entities to not require
5 lenders to increase their reserves on account of re-
6 ceiving payments made by the Administrator under
7 subsection (c);

8 (2) waive statutory limits on maximum loan
9 maturities for any covered loan durations where the
10 lender provides a deferral and extends the maturity
11 of covered loans during the 1-year period following
12 the date of enactment of this Act; and

13 (3) when necessary to provide more time be-
14 cause of the potential of higher volumes, travel re-
15 strictions, and the inability to access some properties
16 during the COVID–19 pandemic, extend lender site
17 visit requirements to—

18 (A) not more than 60 days (which may be
19 extended at the discretion of the Administra-
20 tion) after the occurrence of an adverse event,
21 other than a payment default, causing a loan to
22 be classified as in liquidation; and

23 (B) not more than 90 days after a pay-
24 ment default.

1 (e) RULE OF CONSTRUCTION.—Nothing in this sec-
2 tion may be construed to limit the authority of the Admin-
3 istrator to make payments pursuant to subsection (c) with
4 respect to a covered loan solely because the covered loan
5 has been sold in the secondary market.

6 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
7 authorized to be appropriated to the Administrator
8 \$16,800,000,000 to carry out this section.

9 **SEC. 190012. TEMPORARY FEE REDUCTIONS.**

10 (a) PURPOSE.—The purpose of the section is to waive
11 borrower and lender fees on loans, including a permanent
12 fix to waive fees for veterans and their spouses.

13 (b) ADMINISTRATIVE FEE WAIVER.—

14 (1) IN GENERAL.—During the period beginning
15 on the date of enactment of this Act and ending on
16 September 30, 2021, and to the extent that the cost
17 of such elimination or reduction of fees is offset by
18 appropriations, with respect to each loan guaranteed
19 under section 7(a) of the Small Business Act (15
20 U.S.C. 636(a)) (including a recipient of assistance
21 under the Community Advantage Pilot Program of
22 the Administration) for which an application is ap-
23 proved or pending approval on or after the date of
24 enactment of this Act, the Administrator shall—

1 (A) in lieu of the fee otherwise applicable
2 under section 7(a)(23)(A) of the Small Busi-
3 ness Act (15 U.S.C. 636(a)(23)(A)), collect no
4 fee or reduce fees to the maximum extent pos-
5 sible; and

6 (B) in lieu of the fee otherwise applicable
7 under section 7(a)(18)(A) of the Small Busi-
8 ness Act (15 U.S.C. 636(a)(18)(A)), collect no
9 fee or reduce fees to the maximum extent pos-
10 sible.

11 (2) APPLICATION OF FEE ELIMINATIONS OR RE-
12 DUCTIONS.—To the extent that amounts are made
13 available to the Administrator for the purpose of fee
14 eliminations or reductions under paragraph (1), the
15 Administrator shall—

16 (A) first use any amounts provided to
17 eliminate or reduce fees paid by small business
18 borrowers under clauses (i) through (iii) of sec-
19 tion 7(a)(18)(A) of the Small Business Act (15
20 U.S.C. 636(a)(18)(A)), to the maximum extent
21 possible; and

22 (B) then use any amounts provided to
23 eliminate or reduce fees under 7(a)(23)(A) of
24 the Small Business Act (15 U.S.C.
25 636(a)(23)(A)).

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

4 (1) by striking clause (ii); and

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

6 (d) TEMPORARY FEE ELIMINATION FOR THE 504
7 LOAN PROGRAM.—

8 (1) IN GENERAL.—During the period beginning
9 on the date of enactment of this section and ending
10 on September 30, 2021, and to the extent the cost
11 of such elimination in fees is offset by appropria-
12 tions, with respect to each project or loan guaran-
13 teed by the Administrator pursuant to title V of the
14 Small Business Investment Act of 1958 (15 U.S.C.
15 695 et seq.) for which an application is approved or
16 pending approval on or after the date of enactment
17 of this section—

18 (A) the Administrator shall, in lieu of the
19 fee otherwise applicable under section 503(d)(2)
20 of the Small Business Investment Act of 1958
21 (15 U.S.C. 697(d)(2)), collect no fee; and

22 (B) a development company shall, in lieu
23 of the processing fee described under section
24 120.971(a)(1) of title 13, Code of Federal Reg-

1 ulations (relating to fees paid by borrowers), or
2 any successor thereto, collect no fee.

3 (2) REIMBURSEMENT FOR WAIVED FEES.—

4 (A) IN GENERAL.—To the extent that the
5 cost of such payments is offset by appropria-
6 tions, the Administrator shall reimburse each
7 development company that does not collect a
8 processing fee pursuant to paragraph (1)(B).

9 (B) AMOUNT.—The payment to a develop-
10 ment company under subparagraph (A) shall be
11 in an amount equal to 1.5 percent of the net
12 debenture proceeds for which the development
13 company does not collect a processing fee pur-
14 suant to paragraph (1)(B).

15 **SEC. 190013. GUARANTEE AMOUNTS.**

16 (a) PURPOSE.—The purpose of this section is to in-
17 crease loan guarantee amounts in order to mitigate risk
18 for lenders and keep credit flowing, including an emphasis
19 on underserved borrowers.

20 (b) 7(A) LOAN GUARANTEES.—

21 (1) IN GENERAL.—Section 7(a)(2)(A) of the
22 Small Business Act (15 U.S.C. 636(a)(2)(A)) is
23 amended by striking “), such participation by the
24 Administration shall be equal to” and all that fol-
25 lows through the period at the end and inserting “or

1 the Community Advantage Pilot Program of the Ad-
2 ministration), such participation by the Administra-
3 tion shall be equal to 90 percent of the balance of
4 the financing outstanding at the time of disburse-
5 ment of the loan.”.

6 (2) TERMINATION.—Effective September 30,
7 2021, section 7(a)(2)(A) of the Small Business Act
8 (15 U.S.C. 636(a)(2)(A)), as amended by paragraph
9 (1), is amended to read as follows:

10 “(A) IN GENERAL.—Except as provided in
11 subparagraphs (B), (D), and (E), in an agree-
12 ment to participate in a loan on a deferred
13 basis under this subsection (including a loan
14 made under the Preferred Lenders Program),
15 such participation by the Administration shall
16 be equal to—

17 “(i) 75 percent of the balance of the
18 financing outstanding at the time of dis-
19 bursement of the loan, if such balance ex-
20 ceeds \$150,000; or

21 “(ii) 85 percent of the balance of the
22 financing outstanding at the time of dis-
23 bursement of the loan, if such balance is
24 less than or equal to \$150,000.”.

1 (c) EXPRESS LOAN GUARANTEE AMOUNTS AND
2 LOAN SIZE INCREASES.—

3 (1) TEMPORARY MODIFICATION.—Section
4 7(a)(31) of the Small Business Act (15 U.S.C.
5 636(a)(31)) is amended—

6 (A) in subparagraph (A)(iv), by striking
7 “with a guaranty rate of not more than 50 per-
8 cent.” and inserting the following: “with a
9 guarantee rate—

10 “(I) for a loan in an amount less
11 than or equal to \$350,000, of not
12 more than 90 percent; and

13 “(II) for a loan in an amount
14 greater than \$350,000, of not more
15 than 75 percent.”; and

16 (B) in subparagraph (D), by striking
17 “\$350,000” and inserting “\$1,000,000”.

18 (2) INCREASE IN AVAILABILITY.—Effective
19 September 30, 2021, section 7(a)(31) of the Small
20 Business Act (15 U.S.C. 636(a)(31)), as amended
21 by paragraph (1), is amended—

22 (A) in subparagraph (A)(iv), by striking
23 “guarantee rate” and all that follows through
24 the period at the end and inserting “guarantee
25 rate of not more than 50 percent.”; and

1 (B) in subparagraph (D), by striking
2 “\$1,000,000” and inserting “\$500,000”.

3 **SEC. 190014. MAXIMUM LOAN AMOUNT AND PROGRAM LEV-**
4 **ELS FOR 7(a) LOANS.**

5 (a) PURPOSE.—The purpose of this section is to tem-
6 porarily increase the maximum loan size in order to ex-
7 pand the reach of this long-term capital.

8 (b) MAXIMUM LOAN AMOUNT.—During the period
9 beginning on the date of enactment of this section and
10 ending on September 30, 2021, with respect to any loan
11 guaranteed under section 7(a) of the Small Business Act
12 (15 U.S.C. 636(a)) for which an application is approved
13 or pending approval on or after the date of enactment of
14 this section, the maximum loan amount shall be
15 \$10,000,000.

16 (c) PROGRAM LEVELS.—During each of fiscal years
17 2020 and 2021, commitments for general business loans
18 authorized under section 7(a) of the Small Business Act
19 (15 U.S.C. 636(a)) shall not exceed \$75,000,000,000.

20 (d) COLLATERAL REQUIREMENTS.—During the pe-
21 riod beginning on the date of enactment of this section
22 and ending September 30, 2021, with respect to each loan
23 guaranteed under section 7(a) of the Small Business Act
24 (15 U.S.C. 636(a))—

1 (1) no collateral shall be required on loans of
2 \$100,000 and less made under this section; and

3 (2) the Administration shall establish appro-
4 priate collateral standards for loans over \$100,000
5 made under this section except that when a loan
6 over \$350,000 is not fully secured by business as-
7 sets, the Administration shall not require that loan
8 guarantors as described in subparagraph (3) pledge
9 personally owned assets including personal resi-
10 dences and other personally owned real estate as ad-
11 ditional collateral on the loan.

12 (e) **PERSONAL GUARANTEE.**—During the period be-
13 ginning on the date of enactment of this section and end-
14 ing September 30, 2021, with respect to each loan guaran-
15 teed under section 7(a) of the Small Business Act (15
16 U.S.C. 636(a)), no personal guarantee shall be required
17 on loans to cooperatives.

18 **SEC. 190015. MAXIMUM LOAN AMOUNT FOR 504 LOANS.**

19 (a) **PURPOSE.**—The purpose of this section is to
20 make refinancing of fixed assets more flexible for small
21 business concerns seeking immediate financing and relief
22 from the COVID–19 crisis.

23 (b) **TEMPORARY INCREASE.**—During the period be-
24 ginning on the date of enactment of this section and end-
25 ing on September 30, 2021, with respect to each project

1 or loan guaranteed by the Administrator pursuant to title
2 V of the Small Business Investment Act of 1958 (15
3 U.S.C. 695 et seq.) for which an application is approved
4 or pending approval on or after the date of enactment of
5 this section, the maximum portion of a loan that is backed
6 by the CDC shall be \$10,000,000.

7 (c) PERMANENT INCREASE FOR SMALL MANUFAC-
8 TURERS.—Effective on October 1, 2021, section
9 502(2)(A)(iii) of the Small Business Investment Act of
10 1958 (15 U.S.C. 696(2)(A)(iii)) is amended by striking
11 “\$5,500,000” and inserting “\$10,000,000”.

12 (d) REFINANCING NOT INVOLVING EXPANSIONS.—

13 (1) IN GENERAL.—Section 502(7) of the Small
14 Business Investment Act of 1958 (15 U.S.C.
15 696(7)) is amended by adding at the end the fol-
16 lowing:

17 “(C) REFINANCING NOT INVOLVING EX-
18 PANSIONS.—

19 “(i) DEFINITIONS.—In this subpara-
20 graph—

21 “(I) the term ‘borrower’ means a
22 small business concern that submits
23 an application to a development com-
24 pany for financing under this sub-
25 paragraph;

1 “(II) the term ‘eligible fixed
2 asset’ means tangible property relat-
3 ing to which the Administrator may
4 provide financing under this section;
5 and

6 “(III) the term ‘qualified debt’
7 means indebtedness—

8 “(aa) that—

9 “(AA) was incurred not
10 less than 2 years before the
11 date of the application for
12 assistance under this sub-
13 paragraph;

14 “(BB) is a commercial
15 loan;

16 “(CC) the proceeds of
17 which were used to acquire
18 an eligible fixed asset;

19 “(DD) was incurred for
20 the benefit of the small busi-
21 ness concern; and

22 “(EE) is collateralized
23 by eligible fixed assets; and

24 “(bb) for which the borrower
25 has been current on all payments

1 for not less than 1 year before
2 the date of the application.

3 “(ii) AUTHORITY.—A project that
4 does not involve the expansion of a small
5 business concern may include the refi-
6 nancing of qualified debt if—

7 “(I) the amount of the financing
8 is not more than 90 percent of the
9 value of the collateral for the financ-
10 ing, except that, if the appraised value
11 of the eligible fixed assets serving as
12 collateral for the financing is less than
13 the amount equal to 125 percent of
14 the amount of the financing, the bor-
15 rower may provide additional cash or
16 other collateral to eliminate any defi-
17 ciency;

18 “(II) the borrower has been in
19 operation for all of the 2-year period
20 ending on the date of the loan;

21 “(III) the financing will provide a
22 substantial benefit to the borrower
23 when prepayment penalties, financing
24 fees, and other financing costs are ac-
25 counted for; and

1 “(IV) for a financing for which
2 the Administrator determines there
3 will be an additional cost attributable
4 to the refinancing of the qualified
5 debt, the borrower agrees to pay a fee
6 in an amount equal to the anticipated
7 additional cost.

8 “(iii) FINANCING FOR BUSINESS EX-
9 PENSES.—

10 “(I) FINANCING FOR BUSINESS
11 EXPENSES.—The Administrator may
12 provide financing to a borrower that
13 receives financing that includes a refi-
14 nancing of qualified debt under clause
15 (ii), in addition to the refinancing
16 under clause (ii), to be used solely for
17 the payment of business expenses.

18 “(II) APPLICATION FOR FINANC-
19 ING.—An application for financing
20 under subclause (I) shall include—

21 “(aa) a specific description
22 of the expenses for which the ad-
23 ditional financing is requested;
24 and

1 “(bb) an itemization of the
2 amount of each expense.

3 “(III) CONDITION ON ADDI-
4 TIONAL FINANCING.—A borrower may
5 not use any part of the financing
6 under this clause for non-business
7 purposes.

8 “(iv) LOANS BASED ON JOBS.—

9 “(I) JOB CREATION AND RETEN-
10 TION GOALS.—

11 “(aa) IN GENERAL.—The
12 Administrator may provide fi-
13 nancing under this subparagraph
14 for a borrower that meets the job
15 creation goals under subsection
16 (d) or (e) of section 501.

17 “(bb) ALTERNATE JOB RE-
18 TENTION GOAL.—The Adminis-
19 trator may provide financing
20 under this subparagraph to a
21 borrower that does not meet the
22 goals described in item (aa) in an
23 amount that is not more than the
24 product obtained by multiplying

1 the number of employees of the
2 borrower by \$75,000.

3 “(II) NUMBER OF EMPLOYEES.—
4 For purposes of subclause (I), the
5 number of employees of a borrower is
6 equal to the sum of—

7 “(aa) the number of full-
8 time employees of the borrower
9 on the date on which the bor-
10 rower applies for a loan under
11 this subparagraph; and

12 “(bb) the product obtained
13 by multiplying—

14 “(AA) the number of
15 part-time employees of the
16 borrower on the date on
17 which the borrower applies
18 for a loan under this sub-
19 paragraph; by

20 “(BB) the quotient ob-
21 tained by dividing the aver-
22 age number of hours each
23 part time employee of the
24 borrower works each week
25 by 40.

1 “(v) NONDELEGATION.—Notwith-
2 standing section 508(e), the Administrator
3 may not permit a premier certified lender
4 to approve or disapprove an application for
5 assistance under this subparagraph.

6 “(vi) TOTAL AMOUNT OF LOANS.—
7 The Administrator may provide not more
8 than a total of \$7,500,000,000 of financ-
9 ing under this subparagraph for each fiscal
10 year.”.

11 (2) CONFORMING AMENDMENT.—Section 521
12 of division E of the Consolidated Appropriations Act,
13 2016 (15 U.S.C. 696 note) is repealed.

14 (e) 504 DEBT REFINANCE WITH EXPANSION.—Sec-
15 tion 502(7)(B) of the Small Business Investment Act of
16 1948 (15 U.S.C. 696(7)(B)) is amended, in the matter
17 preceding clause (i), by striking “50” and inserting
18 “100”.

19 “(c) EXPRESS PROGRAM.—An accredited lender cer-
20 tified company, may, with respect to a covered loan, take
21 any of the following actions with respect to the loan:

22 “(1) Any action described in any of subpara-
23 graphs (A) through (J) of subsection (b)(1).

24 “(2) If the borrower is not delinquent with re-
25 spect to the loan payments—

1 “(A) permit the loan to subordinate to a
2 new third party lender loan for the purposes of
3 refinancing that third party lender loan, except
4 that no refinanced amount with respect to the
5 loan may be increased in order to provide cash
6 to the borrower;

7 “(B) permit a new party to assume respon-
8 sibility for the loan if the original borrower re-
9 mains on the loan as the original guarantor;

10 “(C) obtain force placed insurance cov-
11 erage for the loan if the borrower has allowed
12 insurance coverage with respect to the loan to
13 lapse; and

14 “(D) endorse an insurance check with re-
15 spect to the property that is financed by the
16 loan in an amount that is less than \$100,000.

17 “(3) Certify that the loan is compliant with the
18 appraisal requirements and environmental policies
19 and procedures applicable to the loan under Stand-
20 ard Operating Procedure 50 10 5(K) of the Admin-
21 istration, effective April 1, 2019, or any successor
22 Standard Operating Procedure.

23 “(d) DEFINITIONS.—In this section—

24 “(1) the term ‘accredited lender certified com-
25 pany’ means a certified development company that

1 meets the requirements under section 507(b), includ-
2 ing a certified development company that the Ad-
3 ministration has designated as an accredited lender
4 under such section 507(b); and

5 “(2) the term ‘covered loan’—

6 “(A) means a loan made under subsection

7 (a) in an amount that is not more than
8 \$500,000; and

9 “(B) does not include a loan made to a

10 borrower that is a franchise that, or is in an in-
11 dustry that, has a high rate of default, as annu-
12 ally determined by the Administrator.”.

13 **SEC. 190016. ECONOMIC INJURY DISASTER LOANS IM-**
14 **PROVEMENTS.**

15 (a) APPROVAL AND ABILITY TO REPAY FOR CERTAIN
16 LOANS.—With respect to a loan made under section
17 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2))
18 in response to the COVID–19 pandemic that does not ex-
19 ceed \$350,000, the Administrator—

20 (1) may approve an applicant based solely on
21 the credit score of the applicant and shall not re-
22 quire an applicant to submit a tax return or a tax
23 return transcript for such approval; or

24 (2) use alternative appropriate methods to de-
25 termine an applicant’s ability to repay.

1 (b) EMERGENCIES INVOLVING FEDERAL PRIMARY
2 RESPONSIBILITY QUALIFYING FOR SMALL BUSINESS AD-
3 MINISTRATION ASSISTANCE.—Section 7(b)(2) of the
4 Small Business Act (15 U.S.C. 636(b)(2)) is amended—

5 (1) in subparagraph (A), by striking “or” at
6 the end;

7 (2) in subparagraph (B), by striking “or” at
8 the end;

9 (3) in subparagraph (C), by striking “or” at
10 the end;

11 (4) by redesignating subparagraph (D) as sub-
12 paragraph (E);

13 (5) by inserting after subparagraph (C) the fol-
14 lowing:

15 “(D) an emergency involving Federal pri-
16 mary responsibility determined to exist by the
17 President under the section 501(b) of the Rob-
18 ert T. Stafford Disaster Relief and Emergency
19 Assistance Act (42 U.S.C. 5191(b)); or”; and

20 (6) in subparagraph (E), as so redesignated—

21 (A) by striking “or (C)” and inserting
22 “(C), or (D)”;

23 (B) by striking “disaster declaration” each
24 place it appears and inserting “disaster or
25 emergency declaration”;

1 (C) by striking “disaster has occurred”
2 and inserting “disaster or emergency has oc-
3 curred”;

4 (D) by striking “such disaster” and insert-
5 ing “such disaster or emergency”; and

6 (E) by striking “disaster stricken” and in-
7 serting “disaster- or emergency-stricken”; and

8 (7) in the flush matter following subparagraph
9 (E) (as so redesignated), by striking the period at
10 the end and inserting the following: “: *Provided fur-*
11 *ther*, that for purposes of subparagraph (D), the Ad-
12 ministrator shall deem that such an emergency af-
13 fects each State or subdivision thereof (including
14 counties), and that each State or subdivision has
15 sufficient economic damage to small business con-
16 cerns to qualify for assistance under this paragraph
17 and the Administrator shall accept applications for
18 such assistance immediately.”.

19 (c) CREDIT ELSEWHERE; NO PERSONAL GUAR-
20 ANTEE.—The flush matter following subparagraph (E) (as
21 so redesignated) of section 7(b)(2) of the Small Business
22 Act (15 U.S.C. 636(b)(2)) is amended by striking “That
23 no loan or guarantee” and all that follows through “credit
24 elsewhere” and inserting the following: “With respect to
25 a loan made under this paragraph to a cooperative, the

1 Administrator shall not require a personal guarantee for
2 such a loan”.

3 (d) ELIGIBILITY OF COOPERATIVES.—Section
4 7(b)(2) of the Small Business Act (15 U.S.C. 636(b)(2))
5 is amended by striking “small agricultural cooperative”
6 and inserting “small cooperative”.

7 (e) ADDITIONAL AMOUNTS.—

8 (1) IN GENERAL.—The Administrator of the
9 Small Business Administration may increase by 20
10 percent the amount received by an eligible small
11 business concern under section 7(b)(2) of the Small
12 Business Act (15 U.S.C. 636(b)(2)) to cover con-
13 tinuity-of-operations and risk mitigation improve-
14 ments, including telework capability, offsite record
15 keeping, redundaney, the administrative costs of es-
16 tablishing paid sick leave, and presenteeism preven-
17 tion.

18 (2) DEFINITION.—In this section, the term “el-
19 igible small business concern” means a small busi-
20 ness concern that—

21 (A) meets the applicable size standard es-
22 tablished under section 3 of the Small Business
23 Act (15 U.S.C. 632); and

1 (B) is receiving assistance under section
2 7(b)(2) of the Small Business Act (15 U.S.C.
3 636(b)(2)) related to COVID-19.

4 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
5 authorized to be appropriated to the Administrator to
6 carry out the loan program under section 7(b)(2) of the
7 Small Business Act (15 U.S.C. 636(b)(2))—

8 (1) \$177,000,000 for administration costs; and
9 (2) \$25,000,000,000 to provide loans or other
10 assistance.

11 **SEC. 190017. RECOVERY ASSISTANCE FOR MICRO-**
12 **BUSINESSES.**

13 (a) PURPOSE.—The purpose of this section is to allow
14 lenders to deploy more capital, give borrowers more time
15 to repay, increase rural lending, and cut technical assist-
16 ance red tape.

17 (b) LOANS TO INTERMEDIARIES.—

18 (1) IN GENERAL.—Section 7(m) of the Small
19 Business Act (15 U.S.C. 636(m)) is amended—

20 (A) in paragraph (3)(C)—

21 (i) by striking “and \$6,000,000” and
22 inserting “\$10,000,000, in the aggre-
23 gate,”; and

1 (ii) by inserting before the period at
2 the end the following: “, and \$4,500,000 in
3 any of those remaining years”;

4 (B) in paragraph (4)—

5 (i) in subparagraph (A), by striking
6 “subparagraph (C)” each place that term
7 appears and inserting “subparagraphs (C)
8 and (G)”;

9 (ii) in subparagraph (C), by amending
10 clause (i) to read as follows:

11 “(i) IN GENERAL.—In addition to
12 grants made under subparagraph (A) or
13 (G), each intermediary shall be eligible to
14 receive a grant equal to 5 percent of the
15 total outstanding balance of loans made to
16 the intermediary under this subsection if—

17 “(I) the intermediary provides
18 not less than 25 percent of its loans
19 to small business concerns located in
20 or owned by one or more residents of
21 an economically distressed area; or

22 “(II) the intermediary has a
23 portfolio of loans made under this
24 subsection—

1 “(aa) that averages not
2 more than \$10,000 during the
3 period of the intermediary’s par-
4 ticipation in the program; or

5 “(bb) of which not less than
6 25 percent is serving rural areas
7 during the period of the
8 intermediary’s participation in
9 the program.”; and

10 (iii) by adding at the end the fol-
11 lowing:

12 “(G) GRANT AMOUNTS BASED ON APPRO-
13 PRIATIONS.—In any fiscal year in which the
14 amount appropriated to make grants under
15 subparagraph (A) is sufficient to provide to
16 each intermediary that receives a loan under
17 paragraph (1)(B)(i) a grant of not less than 25
18 percent of the total outstanding balance of
19 loans made to the intermediary under this sub-
20 section, the Administration shall make a grant
21 under subparagraph (A) to each intermediary
22 of not less than 25 percent and not more than
23 30 percent of that total outstanding balance for
24 the intermediary.”; and

1 (C) by striking paragraph (7) and insert-
2 ing the following:

3 “(7) PROGRAM FUNDING FOR MICROLOANS.—
4 Under the program authorized by this subsection,
5 the Administration may fund, on a competitive basis,
6 not more than 300 intermediaries.”.

7 (2) ADJUSTMENT TO MICROLOAN LIMITS.—Ef-
8 fective on October 1, 2021, section 7(m)(3)(C) of
9 the Small Business Act (15 U.S.C. 636(m)(3)(C)),
10 as amended by paragraph (1)(A), is further amend-
11 ed—

12 (A) by striking “\$10,000,000” and by in-
13 sserting “\$7,000,000” and

14 (B) by striking “\$4,500,000” and insert-
15 ing “\$3,000,000”.

16 (c) TEMPORARY WAIVER OF TECHNICAL ASSISTANCE
17 GRANTS MATCHING REQUIREMENTS AND FLEXIBILITY
18 ON PRE- AND POST-LOAN ASSISTANCE.—During the pe-
19 riod beginning on the date of enactment of this section
20 and ending on September 30, 2021, the Administration
21 shall waive—

22 (1) the requirement to contribute non-Federal
23 funds under section 7(m)(4)(B) of the Small Busi-
24 ness Act (15 U.S.C. 636(m)(4)(B)); and

1 (2) the limitation on amounts allowed to be ex-
2 pended to provide information and technical assist-
3 ance under clause (i) of section 7(m)(4)(E) of the
4 Small Business Act (15 U.S.C. 636(m)(4)(E)) and
5 entering into third party contracts to provide tech-
6 nical assistance under clause (ii) of such section
7 7(m)(4)(E).

8 (d) TEMPORARY DURATION OF LOANS TO BOR-
9 ROWERS.—

10 (1) IN GENERAL.—During the period beginning
11 on the date of enactment of this section and ending
12 on September 30, 2021, the duration of a loan made
13 by an eligible intermediary under section 7(m) of the
14 Small Business Act (15 U.S.C. 636(m))—

15 (A) to an existing borrower may be ex-
16 tended to not more than 8 years; and

17 (B) to a new borrower may be not more
18 than 8 years.

19 (2) REVERSION.—On and after October 1,
20 2021, the duration of a loan made by an eligible
21 intermediary to a borrower under section 7(m) of
22 the Small Business Act (15 U.S.C. 636(m)) shall be
23 7 years or such other amount established by the Ad-
24 ministrator.

1 (e) PROGRAM LEVELS.—Section 20 of the Small
2 Business Act (15 U.S.C. 631 note) is amended by adding
3 at the end the following:

4 “(h) MICROLOAN PROGRAM.—For each of fiscal
5 years 2021 through 2025, the Administration is author-
6 ized to make—

7 “(1) \$80,000,000 in technical assistance grants,
8 as provided in section 7(m); and

9 “(2) \$110,000,000 in direct loans, as provided
10 in section 7(m).”.

11 **SEC. 190018. ADDITIONAL LEVERAGE FOR SMALL BUSI-**
12 **NESSES AFFECTED BY THE COVID-19 OUT-**
13 **BREAK.**

14 (a) IN GENERAL.—Section 303(b)(2) of the Small
15 Business Investment Act of 1958 (15 U.S.C. 683(b)(2))
16 is amended by adding at the end the following:

17 “(E) ADDITIONAL LEVERAGE BASE ON IN-
18 VESTMENT.—

19 “(i) EXCLUSION OF AMOUNTS.—In
20 calculating the outstanding leverage of a
21 company for purposes of subparagraph (A)
22 or (B), the Administrator shall exclude the
23 amount of leverage outstanding to covered
24 small businesses, not to exceed an amount
25 equal to \$100,000,000, if the amount ex-

1 cluded is used exclusively for working cap-
2 ital purposes.

3 “(ii) COVERED SMALL BUSINESS DE-
4 FINED.—In this subparagraph, the term
5 ‘covered small business’ means a small
6 business concern is located in a State or
7 territory of the United States with at least
8 one confirmed or presumed positive case of
9 COVID–19.”.

10 (b) APPLICATION.—Notwithstanding any other provi-
11 sion of law, for purposes of additional leverage requested
12 under subparagraph (E) of section 303(b)(2) of the Small
13 Business Investment Act of 1958, as added by subsection
14 (a), the Administrator shall approve or deny such request
15 within 14 calendar days of receipt by the Administrator
16 of the request.

17 **SEC. 190019. STATE TRADE EXPANSION PROGRAM.**

18 (a) REIMBURSEMENT.—The Administrator of the
19 Small Business Administration shall reimburse any recipi-
20 ent of assistance under section 22(l) of the Small Business
21 Act (15 U.S.C. 649(l)) for financial losses relating to a
22 foreign trade mission or a trade show exhibition that was
23 cancelled solely due to a public health emergency declared
24 due to COVID–19.

1 (b) BUDGET PLAN REVISIONS.—Section 22(l)(3) of
2 the Small Business Act (15 U.S.C. 649(l)(3)) is amend-
3 ed—

4 (1) in subparagraph (D)(i), by inserting “, in-
5 cluding a budget plan for use of funds awarded
6 under this subsection” before the period at the end;
7 and

8 (2) by adding at the end the following new sub-
9 paragraph:

10 “(E) BUDGET PLAN REVISIONS.—

11 “(i) IN GENERAL.—A State receiving
12 a grant under this subsection may revise
13 the budget plan of the State submitted
14 under subparagraph (D) after the dis-
15 bursal of grant funds if—

16 “(I) the revision complies with al-
17 lowable uses of grant funds under this
18 subsection; and

19 “(II) such State submits notifica-
20 tion of the revision to the Associate
21 Administrator.

22 “(ii) EXCEPTION.—If a revision under
23 clause (i) reallocates 10 percent or more of
24 the amounts described in the budget plan
25 of the State submitted under subparagraph

1 (D), the State may not implement the re-
 2 vised budget plan without the approval of
 3 the Associate Administrator, unless the As-
 4 sociate Administrator fails to approve or
 5 deny the revised plan within 10 days after
 6 receipt of such revised plan.”.

7 **SEC. 190020. EMERGENCY RULEMAKING AUTHORITY.**

8 Not later than 15 days after the date of enactment
 9 of this Act, the Administrator shall issue regulations to
 10 carry out this division and the amendments made by this
 11 division without regard to the notice requirements under
 12 section 553(b) of title 5, United States Code.

13 **DIVISION T—REVENUE**
 14 **PROVISIONS**

15 **SEC. 1. SHORT TITLE; TABLE OF CONTENTS.**

16 (a) **SHORT TITLE.**—This division may be cited as the
 17 “Emergency Pension Plan Relief Act of 2020”.

18 (b) **TABLE OF CONTENTS.**—The table of contents of
 19 this division is as follows:

Sec. 1. Short title; table of contents.

TITLE I—HEALTH-RELATED TAX RELIEF

Sec. 101. Payroll credit for COVID–19 charity care provided by hospitals.

Sec. 102. Payroll credit for COVID–19 hospital facility expenditures.

Sec. 103. Restoration of limitations on reconciliation of tax credits for coverage
 under a qualified health plan with advance payments of such
 credit.

Sec. 104. Improving affordability by reducing premium costs for consumers.

TITLE II—ECONOMIC STIMULUS

Subtitle A—Economic Assistance Payments

- Sec. 201. 2020 economic assistance payments to individuals.
- Sec. 202. Economic assistance payments to certain Federal beneficiaries.

Subtitle B—Earned Income Tax Credit

- Sec. 211. Strengthening the earned income tax credit for individuals with no qualifying children.
- Sec. 212. Taxpayer eligible for childless earned income credit in case of qualifying children who fail to meet certain identification requirements.
- Sec. 213. Credit allowed in case of certain separated spouses.
- Sec. 214. Elimination of disqualified investment income test.
- Sec. 215. Application of earned income tax credit in possessions of the United States.

Subtitle C—Child Tax Credit

- Sec. 221. Child tax credit fully refundable for 2020 through 2025.
- Sec. 222. Application of child tax credit in possessions.
- Sec. 223. Increased child tax credit for children who have not attained age 6.

Subtitle D—Dependent Care Assistance

- Sec. 231. Refundability and enhancement of child and dependent care tax credit.
- Sec. 232. Increase in exclusion for employer-provided dependent care assistance.

Subtitle E—Net Operating Losses

- Sec. 241. Five-year carryback of net operating losses and temporary suspension of taxable income limitation.

Subtitle F—Employee Retention Credit

- Sec. 251. Payroll credit for certain employers affected by COVID-19.

Subtitle G—Credits for Paid Sick and Family Leave

- Sec. 261. Extension of credits.
- Sec. 262. Repeal of reduced rate of credit for certain leave.
- Sec. 263. Federal, State, and local governments allowed tax credits for paid sick and paid family and medical leave.
- Sec. 264. Credits not allowed to certain large employers.
- Sec. 265. Effective date.

TITLE III—ADMINISTRATIVE

- Sec. 301. Delay of certain deadlines.

TITLE IV—RETIREMENT PROVISIONS

- Sec. 401. Special rules for use of retirement funds.
- Sec. 402. Single-employer plan funding rules.
- Sec. 403. Temporary waiver of required minimum distribution rules for certain retirement plans and accounts.
- Sec. 404. Modification of special rules for minimum funding standards for community newspaper plans.

- Sec. 405. Application of cooperative and small employer charity pension plan rules to certain charitable employers whose primary exempt purpose is providing services with respect to mothers and children.
- Sec. 406. Extended amortization for single employer plans.
- Sec. 407. Extension of pension funding stabilization percentages for single employer plans.

TITLE V—REHABILITATION FOR MULTIEMPLOYER PENSIONS

- Sec. 501. Short title.
- Sec. 502. Pension Rehabilitation Administration; establishment; powers.
- Sec. 503. Pension Rehabilitation Trust Fund.
- Sec. 504. Loan program for multiemployer defined benefit plans.
- Sec. 505. Coordination with withdrawal liability and funding rules.
- Sec. 506. Issuance of Treasury bonds.
- Sec. 507. Reports of plans receiving pension rehabilitation loans.
- Sec. 508. PBGC financial assistance.

1 **TITLE I—HEALTH-RELATED TAX** 2 **RELIEF**

3 **SEC. 101. PAYROLL CREDIT FOR COVID-19 CHARITY CARE** 4 **PROVIDED BY HOSPITALS.**

5 (a) IN GENERAL.—In the case of an employer which
6 is an eligible hospital, there shall be allowed as a credit
7 against the tax imposed by section 3111(a) of the Internal
8 Revenue Code of 1986 for each calendar quarter an
9 amount equal to 90 percent of the COVID-related charity
10 care furnished by such hospital during such calendar quar-
11 ter.

12 (b) LIMITATIONS AND REFUNDABILITY.—

13 (1) CREDIT LIMITED TO CERTAIN EMPLOYMENT
14 TAXES.—The credit allowed by subsection (a) with
15 respect to any calendar quarter shall not exceed the
16 tax imposed by section 3111(a) of such Code for
17 such calendar quarter (reduced by any credits al-

1 lowed under subsection (e) or (f) of section 3111 of
2 such Code, or under section 7001 or 7003 of the
3 Families First Coronavirus Response Act, for such
4 quarter) on the wages paid with respect to the em-
5 ployment of all employees of the employer.

6 (2) REFUNDABILITY OF EXCESS CREDIT.—

7 (A) IN GENERAL.—If the amount of the
8 credit under subsection (a) exceeds the limita-
9 tion of paragraph (1) for any calendar quarter,
10 such excess shall be treated as an overpayment
11 that shall be refunded under sections 6402(a)
12 and 6413(b) of such Code.

13 (B) TREATMENT OF PAYMENTS.—For pur-
14 poses of section 1324 of title 31, United States
15 Code, any amounts due to an employer under
16 this paragraph shall be treated in the same
17 manner as a refund due from a credit provision
18 referred to in subsection (b)(2) of such section.

19 (c) ELIGIBLE HOSPITAL.—For purposes of this sec-
20 tion, the term “eligible hospital” means a subsection (d)
21 hospital as defined in section 1886(d)(1)(B) of the Social
22 Security Act (42 U.S.C. 1395ww(d)(1)(B)) or a critical
23 access hospital (as defined in section 1861(mm)(1) of such
24 Act (42 U.S.C. 1395x(mm)(1)).

1 (d) COVID-RELATED CHARITY CARE.—For pur-
2 poses of this section—

3 (1) IN GENERAL.—The term “COVID-related
4 charity care” means, with respect to any eligible
5 hospital, so much of the specified charity care fur-
6 nished by such hospital as relates to items and serv-
7 ices furnished in the United States for the treatment
8 of COVID–19 or a related condition.

9 (2) SPECIFIED CHARITY CARE.—The term
10 “specified charity care” means, with respect to an
11 eligible hospital, the cost of charity care of such hos-
12 pital as defined for purposes of the Medicare Cost
13 Report Worksheet S–10.

14 (e) SPECIAL RULES.—

15 (1) DENIAL OF DOUBLE BENEFIT.—For pur-
16 poses of chapter 1 of the Internal Revenue Code of
17 1986, any deduction otherwise allowable under such
18 chapter for any COVID-related charity care shall be
19 reduced by the amount of the credit allowed under
20 this section with respect to such care.

21 (2) DOCUMENTATION.—No credit shall be al-
22 lowed under this section unless the employer main-
23 tains such documentation as the Secretary of the
24 Treasury (or the Secretary’s delegate) may prescribe

1 to establish such employer's eligibility for the credit
2 allowed under this section (and the amount thereof).

3 (3) ELECTION NOT TO HAVE SECTION APPLY.—

4 This section shall not apply with respect to any em-
5 ployer for any calendar quarter if such employer
6 elects (at such time and in such manner as the Sec-
7 retary of the Treasury (or the Secretary's delegate)
8 may prescribe) not to have this section apply.

9 (4) CERTAIN TERMS.—Any term used in this
10 section which is also used in chapter 21 of such
11 Code shall have the same meaning as when used in
12 such chapter.

13 (f) REGULATIONS.—The Secretary of the Treasury
14 (or the Secretary's delegate) shall prescribe such regula-
15 tions or other guidance as may be necessary to carry out
16 the purposes of this section, including—

17 (1) regulations or other guidance (prescribed
18 after consultation with the Secretary of Health and
19 Human Services) which identify specific items and
20 services which are considered for purposes of sub-
21 section (d)(1) to be for the treatment of COVID-19
22 or a related condition;

23 (2) regulations or other guidance to effectuate
24 the purposes of the limitations under this section;

1 (3) regulations or other guidance to minimize
2 compliance and record-keeping burdens under this
3 section;

4 (4) regulations or other guidance providing for
5 a waiver of penalties for the failure to deposit taxes
6 imposed under section 3111(a) of such Code in an-
7 ticipation of the allowance of the credit allowed
8 under this section;

9 (5) regulations or other guidance for recap-
10 turing the benefit of credits determined under this
11 section in cases where there is a subsequent adjust-
12 ment to the credit determined under subsection (a);
13 and

14 (6) regulations or other guidance regarding the
15 treatment of certified professional employer organi-
16 zations, as described in section 3511 of such Code.

17 (g) APPLICATION OF SECTION.—

18 (1) IN GENERAL.—This section shall apply only
19 to COVID-related charity care which is furnished
20 during the period beginning on February 1, 2020,
21 and ending on December 31, 2020.

22 (2) TREATMENT OF CERTAIN CARE FURNISHED
23 BEFORE DATE OF ENACTMENT.—For purposes of
24 this section, any COVID-related charity care which
25 is furnished after January 31, 2020, and before the

1 calendar quarter which includes the date of the en-
2 actment of this Act shall be treated as having been
3 furnished in such calendar quarter.

4 (h) TRANSFERS TO FEDERAL OLD-AGE AND SUR-
5 VIVORS INSURANCE TRUST FUND.—There are hereby ap-
6 propriated to the Federal Old-Age and Survivors Insur-
7 ance Trust Fund and the Federal Disability Insurance
8 Trust Fund established under section 201 of the Social
9 Security Act (42 U.S.C. 401) amounts equal to the reduc-
10 tion in revenues to the Treasury by reason of this section
11 (without regard to this subsection). Amounts appropriated
12 by the preceding sentence shall be transferred from the
13 general fund at such times and in such manner as to rep-
14 licate to the extent possible the transfers which would have
15 occurred to such Trust Fund had this section not been
16 enacted.

17 (i) COORDINATION WITH DSH PAYMENTS.—Section
18 1886(r) of the Social Security Act (42 U.S.C. 1395ww(r))
19 is amended—

20 (1) in paragraph (2), by inserting “subject to
21 paragraph (4),” before “for fiscal year 2014”; and

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

24 “(4) SPECIAL RULE FOR COVID-RELATED CHAR-
25 ITY CARE.—The Secretary shall, beginning in the

1 first fiscal year in which the factor described in
2 paragraph (2)(C) is calculated based on a cost re-
3 porting period that includes any portion of calendar
4 year 2020, exclude the amount of the payroll credit
5 for COVID–19 charity care allowed under section
6 101(a) of the Emergency Pension Plan Relief Act of
7 2020 provided to a subsection (d) hospital, from the
8 calculation of such factor.”.

9 **SEC. 102. PAYROLL CREDIT FOR COVID-19 HOSPITAL FA-**
10 **CILITY EXPENDITURES.**

11 (a) IN GENERAL.—In the case of an employer which
12 is an eligible hospital, there shall be allowed as a credit
13 against the tax imposed by section 3111(a) of the Internal
14 Revenue Code of 1986 for each calendar quarter an
15 amount equal to 90 percent of the COVID–19 hospital
16 facility expenditures paid or incurred by such hospital dur-
17 ing such calendar quarter.

18 (b) LIMITATIONS AND REFUNDABILITY.—

19 (1) CREDIT LIMITED TO CERTAIN EMPLOYMENT
20 TAXES.—The credit allowed by subsection (a) with
21 respect to any calendar quarter shall not exceed the
22 tax imposed by section 3111(a) of such Code for
23 such calendar quarter (reduced by any credits al-
24 lowed under subsection (e) or (f) of section 3111 of
25 such Code, under section 7001 or 7003 of the Fami-

1 lies First Coronavirus Response Act, or under the
2 preceding section of this Act, for such quarter) on
3 the wages paid with respect to the employment of all
4 employees of the employer.

5 (2) REFUNDABILITY OF EXCESS CREDIT.—

6 (A) IN GENERAL.—If the amount of the
7 credit under subsection (a) exceeds the limita-
8 tion of paragraph (1) for any calendar quarter,
9 such excess shall be treated as an overpayment
10 that shall be refunded under sections 6402(a)
11 and 6413(b) of such Code.

12 (B) TREATMENT OF PAYMENTS.—For pur-
13 poses of section 1324 of title 31, United States
14 Code, any amounts due to an employer under
15 this paragraph shall be treated in the same
16 manner as a refund due from a credit provision
17 referred to in subsection (b)(2) of such section.

18 (c) ELIGIBLE HOSPITAL.—For purposes of this sec-
19 tion, the term “eligible hospital” means a subsection (d)
20 hospital as defined in section 1886(d)(1)(B) of the Social
21 Security Act (42 U.S.C. 1395ww(d)(1)(B)) or a critical
22 access hospital (as defined in section 1861(mm)(1) of such
23 Act (42 U.S.C. 1395x(mm)(1))).

24 (d) COVID–19 HOSPITAL FACILITY EXPENDI-
25 TURES.—For purposes of this section—

1 (1) IN GENERAL.—The term “COVID–19 hos-
2 pital facility expenditures” means amounts paid or
3 incurred by an eligible hospital for—

4 (A) the purchase or construction of a tem-
5 porary structure in the United States for speci-
6 fied COVID-related purposes,

7 (B) the lease of any structure in the
8 United States for specified COVID-related pur-
9 poses if the term of such lease is not greater
10 than 2 years,

11 (C) the retrofitting of any existing perma-
12 nent structure in the United States for specified
13 COVID-related purposes, and

14 (D) any property for use in a structure de-
15 scribed in subparagraph (A), (B), or (C) for
16 specified COVID-related purposes if such prop-
17 erty is of a character which is subject to the al-
18 lowance for depreciation provided in section 167
19 of the Internal Revenue Code of 1986.

20 (2) SPECIFIED COVID-RELATED PURPOSES.—
21 The term “specified COVID-related purposes”
22 means the diagnosis, prevention, or treatment of
23 COVID–19 or a related condition.

24 (3) TEMPORARY STRUCTURE.—The term “tem-
25 porary structure” means a tent or such other struc-

1 ture which by its design or nature is not suitable to
2 serve as a permanent structure.

3 (4) COORDINATION WITH GOVERNMENT
4 GRANTS.—The COVID–19 hospital facility expendi-
5 tures taken into account under this section by any
6 eligible hospital shall be reduced by any amounts
7 provided by any Federal, State, or local government
8 for purposes of making or reimbursing such expendi-
9 tures.

10 (e) SPECIAL RULES.—

11 (1) DENIAL OF DOUBLE BENEFIT.—For pur-
12 poses of the Internal Revenue Code of 1986—

13 (A) the basis of any property with respect
14 to which a credit is allowed under this section
15 shall be reduced by the amount of such credit,
16 and

17 (B) such reduction shall be taken into ac-
18 count before determining the amount of any de-
19 duction, or allowance for depreciation or amor-
20 tization, with respect to such property for pur-
21 poses of such Code.

22 (2) RECAPTURE OF GAIN.—If an eligible hos-
23 pital disposes of any property with respect to which
24 a credit was allowed under this section and any gain
25 is determined on such disposition under section

1 1001 of such Code, the tax imposed under chapter
2 1 of such Code on such hospital shall be increased
3 by the amount of such gain. The preceding sentence
4 shall apply without regard to whether such eligible
5 hospital is otherwise exempt from, or not subject to,
6 the taxes otherwise imposed under such chapter.

7 (3) DOCUMENTATION.—No credit shall be al-
8 lowed under this section unless the employer main-
9 tains such documentation as the Secretary of the
10 Treasury (or the Secretary’s delegate) may prescribe
11 to establish such employer’s eligibility for the credit
12 allowed under this section (and the amount thereof).

13 (4) ELECTION NOT TO HAVE SECTION APPLY.—
14 This section shall not apply with respect to any em-
15 ployer for any calendar quarter if such employer
16 elects (at such time and in such manner as the Sec-
17 retary of the Treasury (or the Secretary’s delegate)
18 may prescribe) not to have this section apply.

19 (5) CERTAIN TERMS.—Any term used in this
20 section which is also used in chapter 21 of such
21 Code shall have the same meaning as when used in
22 such chapter.

23 (f) REGULATIONS.—The Secretary of the Treasury
24 (or the Secretary’s delegate) shall prescribe such regula-

1 tions or other guidance as may be necessary to carry out
2 the purposes of this section, including—

3 (1) regulations or other guidance to effectuate
4 the purposes of the limitations under this section,

5 (2) regulations or other guidance to minimize
6 compliance and record-keeping burdens under this
7 section,

8 (3) regulations or other guidance providing for
9 a waiver of penalties for the failure to deposit taxes
10 imposed under section 3111(a) in anticipation of the
11 allowance of the credit allowed under this section,

12 (4) regulations or other guidance for recap-
13 turing the benefit of credits determined under this
14 section in cases where there is a subsequent adjust-
15 ment to the credit determined under subsection (a),

16 (5) regulations or other guidance (prescribed
17 after consultation with the Secretary of Health and
18 Human Services) which identify specific items and
19 services which are considered for purposes of sub-
20 section (d)(2) to be for specified COVID-related pur-
21 poses, and

22 (6) regulations or other guidance regarding the
23 treatment of certified professional employer organi-
24 zations, as described in section 3511 of such Code.

25 (g) APPLICATION OF SECTION.—

1 (1) IN GENERAL.—This section shall apply only
2 to COVID–19 hospital facility expenditures which
3 are paid or incurred during the period beginning on
4 February 1, 2020, and ending on December 31,
5 2020.

6 (2) TREATMENT OF CERTAIN EXPENDITURES
7 MADE BEFORE DATE OF ENACTMENT.—For pur-
8 poses of this section, any COVID–19 hospital facility
9 expenditures which are paid or incurred after Janu-
10 ary 31, 2020, and before the calendar quarter which
11 includes the date of the enactment of this Act shall
12 be treated as having been furnished in such calendar
13 quarter.

14 (h) TRANSFERS TO FEDERAL OLD-AGE AND SUR-
15 VIVORS INSURANCE TRUST FUND.—There are hereby ap-
16 propriated to the Federal Old-Age and Survivors Insur-
17 ance Trust Fund and the Federal Disability Insurance
18 Trust Fund established under section 201 of the Social
19 Security Act (42 U.S.C. 401) amounts equal to the reduc-
20 tion in revenues to the Treasury by reason of this section
21 (without regard to this subsection). Amounts appropriated
22 by the preceding sentence shall be transferred from the
23 general fund at such times and in such manner as to rep-
24 licate to the extent possible the transfers which would have

1 occurred to such Trust Fund had this section not been
 2 enacted.

3 **SEC. 103. RESTORATION OF LIMITATIONS ON RECONCILI-**
 4 **ATION OF TAX CREDITS FOR COVERAGE**
 5 **UNDER A QUALIFIED HEALTH PLAN WITH AD-**
 6 **VANCE PAYMENTS OF SUCH CREDIT.**

7 (a) IN GENERAL.—Section 36B(f)(2)(B)(i) of the In-
 8 ternal Revenue Code of 1986 is amended to read as fol-
 9 lows:

10 “(i) IN GENERAL.—In the case of a
 11 taxpayer whose household income is less
 12 than 500 percent of the poverty line for
 13 the size of the family involved for the tax-
 14 able year, the amount of the increase
 15 under subparagraph (A) shall in no event
 16 exceed the applicable dollar amount deter-
 17 mined in accordance with the following
 18 table (one-half of such amount in the case
 19 of a taxpayer whose tax is determined
 20 under section 1(c) for the taxable year):

“If the household income (expressed as a percent of poverty line) is:	The applicable dollar amount is:
Less than 200%	\$600
At least 200% but less than 250%	\$1,000
At least 250% but less than 300%	\$1,500
At least 300% but less than 350%	\$2,000
At least 350% but less than 400%	\$2,500
At least 400% but less than 450%	\$3,000
At least 450% but less than 500%	\$3,500.”.

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

4 **SEC. 104. IMPROVING AFFORDABILITY BY REDUCING PRE-**
 5 **MIUM COSTS FOR CONSUMERS.**

6 (a) IN GENERAL.—Section 36B(b)(3)(A) of the In-
 7 ternal Revenue Code of 1986 is amended to read as fol-
 8 lows:

9 “(A) APPLICABLE PERCENTAGE.—The ap-
 10 plicable percentage for any taxable year shall be
 11 the percentage such that the applicable percent-
 12 age for any taxpayer whose household income is
 13 within an income tier specified in the following
 14 table shall increase, on a sliding scale in a lin-
 15 ear manner, from the initial premium percent-
 16 age to the final premium percentage specified in
 17 such table for such income tier:

“In the case of household income (expressed as a percent of poverty line) within the following income tier:	The initial premium percentage is—	The final premium percentage is—
Over 100.0 percent up to 150.0 percent	0.0	0.0
150.0 percent up to 200.0 percent	0.0	3.0
200.0 percent up to 250.0 percent	3.0	4.0
250.0 percent up to 300.0 percent	4.0	6.0
300.0 percent up to 400.0 percent	6.0	8.5
400.0 percent and higher	8.5	8.5”.

18 (b) CONFORMING AMENDMENT.—Section
 19 36B(c)(1)(A) of the Internal Revenue Code of 1986 is
 20 amended by striking “but does not exceed 400 percent”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 December 31, 2020.

4 **TITLE II—ECONOMIC STIMULUS**
5 **Subtitle A—Economic Assistance**
6 **Payments**

7 **SEC. 201. 2020 ECONOMIC ASSISTANCE PAYMENTS TO INDI-**
8 **VIDUALS.**

9 (a) IN GENERAL.—Subchapter B of chapter 65 of the
10 Internal Revenue Code of 1986 is amended by adding at
11 the end the following new section:

12 **“SEC. 6431. 2020 ECONOMIC ASSISTANCE PAYMENTS TO IN-**
13 **DIVIDUALS.**

14 “(a) IN GENERAL.—In the case of an eligible indi-
15 vidual, there shall be allowed as a credit against the tax
16 imposed by subtitle A for the first taxable year beginning
17 in 2020 an amount equal to the economic assistance
18 amount determined for such taxable year.

19 “(b) ECONOMIC ASSISTANCE AMOUNT.—For pur-
20 poses of this section, the term ‘economic assistance
21 amount’ means, with respect to any taxpayer for any tax-
22 able year, the sum of—

23 “(1) \$1,500 (\$3,000 in the case of a joint re-
24 turn), plus

1 “(2) \$1,500 multiplied by the number of quali-
2 fying children (within the meaning of section 24(e))
3 of the taxpayer for such taxable year (not in excess
4 of 3 such children).

5 “(c) PHASEOUT BASED ON ADJUSTED GROSS IN-
6 COME.—

7 “(1) IN GENERAL.—The amount of the credit
8 allowed by subsection (a) (determined without re-
9 gard to this subsection and subsection (f)) shall be
10 reduced (but not below zero) by the amount which
11 bears the same ratio to such amount as—

12 “(A) the excess (if any) of the adjusted
13 gross income for the taxpayer’s first taxable
14 year beginning in 2020 over the applicable
15 phaseout amount, bears to

16 “(B) 50 percent of the applicable phaseout
17 amount.

18 “(2) APPLICABLE PHASEOUT AMOUNT.—For
19 purposes of this subsection, the term ‘applicable
20 phaseout amount’ means—

21 “(A) \$150,000 in the case of a joint return
22 or a surviving spouse (as defined in section
23 2(a)),

24 “(B) \$112,500 in the case of a head of
25 household (as defined in section 2(b)), and

1 “(C) \$75,000 in any other case.

2 “(3) ADJUSTED GROSS INCOME.—For purposes
3 of this subsection (other than this paragraph), the
4 term ‘adjusted gross income’ means adjusted gross
5 income determined without regard to sections 911,
6 931, and 933.

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

10 “(1) any nonresident alien individual,

11 “(2) any individual with respect to whom a de-
12 duction under section 151 is allowable to another
13 taxpayer for a taxable year beginning in the cal-
14 endar year in which the individual’s taxable year be-
15 gins, and

16 “(3) an estate or trust.

17 “(e) SPECIAL RULES.—

18 “(1) CREDIT TREATED AS REFUNDABLE.—The
19 credit allowed by subsection (a) shall be treated as
20 allowed by subpart C of part IV of subchapter A of
21 chapter 1.

22 “(2) TREATMENT OF CREDIT AND ADVANCE
23 PAYMENTS.—For purposes of section 1324 of title
24 31, United States Code, any credit under subsection
25 (a) and any credit or refund under subsection (g)

1 shall be treated in the same manner as a refund due
2 from a credit provision referred to in subsection
3 (b)(2) of such section.

4 “(3) IDENTIFICATION NUMBER REQUIRE-
5 MENT.—An individual shall not be taken into ac-
6 count in determining the amount of the credit al-
7 lowed under subsection (a) unless the taxpayer iden-
8 tification number of such individual is included on
9 the return of tax for the taxable year.

10 “(f) COORDINATION WITH ADVANCE REFUNDS OF
11 CREDIT.—

12 “(1) REDUCTION OF REFUNDABLE CREDIT.—
13 The amount of the credit which would (but for this
14 paragraph) be allowable under subsection (a) shall
15 be reduced (but not below zero) by the aggregate re-
16 funds and credits made or allowed to the taxpayer
17 under subsection (g) and the aggregate payments to
18 which the taxpayer (or a qualifying child (within the
19 meaning of section 24(c)) of the taxpayer) is entitled
20 under section 202 of the COVID-19 Tax Relief Act
21 of 2020. Any failure to so reduce the credit shall be
22 treated as arising out of a mathematical or clerical
23 error and assessed according to section 6213(b)(1).

24 “(2) RECAPTURE OF PAYMENTS IN EXCESS OF
25 REFUNDABLE CREDIT.—

1 “(A) IN GENERAL.—If the sum of the ag-
2 gregate refunds and credits made or allowed to
3 the taxpayer under subsection (g) and the ag-
4 gregate payments to which the taxpayer (or a
5 qualifying child (within the meaning of section
6 24(c)) of the taxpayer) is entitled under section
7 202 of the COVID-19 Tax Relief Act of 2020
8 exceeds the credit allowed under subsection (a)
9 (determined without regard to paragraph (1)),
10 the tax imposed under chapter 1 for the tax-
11 payer’s first taxable year beginning in 2020
12 shall be increased by the amount of such excess.

13 “(B) ELECTION TO SPREAD RECAPTURE
14 OVER 3 YEARS.—In the case of a taxpayer who
15 elects (at such time and in such manner as the
16 Secretary may provide) the application of this
17 subparagraph, subparagraph (A) shall not apply
18 and the tax imposed under chapter 1 shall be
19 increased by $\frac{1}{3}$ of the excess described in sub-
20 paragraph (A) in the taxpayer’s first taxable
21 year beginning in 2020 and in each of the 2 im-
22 mediately following taxable years.

23 “(C) CERTAIN TAXPAYERS NOT SUBJECT
24 TO RECAPTURE.—In the case of a taxpayer that
25 is not required to file a return with respect to

1 income taxes under subtitle A for the taxpayer's
2 first taxable year beginning in 2020, subpara-
3 graph (A) shall not apply.

4 “(3) JOINT RETURNS.—In the case of a refund
5 or credit made or allowed under subsection (g) with
6 respect to a joint return, half of such refund or cred-
7 it shall be treated as having been made or allowed
8 to each individual filing such return.

9 “(g) ADVANCE REFUNDS AND CREDITS.—

10 “(1) IN GENERAL.—Each taxpayer who was an
11 eligible individual for such taxpayer's first taxable
12 year beginning in 2019 shall be treated as having
13 made a payment against the tax imposed by chapter
14 1 for such first taxable year in an amount equal to
15 the economic assistance amount (as defined sub-
16 section (b)) determined for the applicable prior tax-
17 able year.

18 “(2) APPLICABLE PRIOR TAXABLE YEAR.—For
19 purposes of this subsection, the term ‘applicable
20 prior taxable year’ means—

21 “(A) the taxpayer's first taxable year be-
22 ginning in 2019, or

23 “(B) if information regarding such taxable
24 year is not available to the Secretary (deter-

1 mined without regard to subsection (h)(1)), the
2 taxpayer's first taxable year beginning in 2018.

3 “(3) TIMING OF PAYMENTS.—

4 “(A) IN GENERAL.—The Secretary shall,
5 subject to the provisions of this title, refund or
6 credit any overpayment attributable to para-
7 graph (1) as rapidly as possible.

8 “(B) TERMINATION OF PAYMENT AUTHOR-
9 ORITY.—No refund or credit shall be made or al-
10 lowed under this subsection after December 31,
11 2020.

12 “(4) COORDINATION WITH PAYMENTS TO SO-
13 CIAL SECURITY ADMINISTRATION RECIPIENTS.—This
14 subsection shall not apply with respect to any tax-
15 payer entitled to a payment under section 202 of the
16 COVID-19 Tax Relief Act of 2020.

17 “(5) NO INTEREST.—No interest shall be al-
18 lowed on any overpayment attributable to this sec-
19 tion.

20 “(6) INFORMATION PROVIDED TO TAX-
21 PAYERS.—As soon as practicable, the Secretary
22 shall—

23 “(A) make best efforts to inform every tax-
24 payer that amounts received pursuant to this

1 subsection may be subject to recapture under
2 subsection (f)(2), and

3 “(B) develop an Internet tool allowing tax-
4 payers to determine the amount of such recap-
5 ture using input from the taxpayer.

6 “(h) REGULATIONS.—The Secretary shall prescribe
7 such regulations or other guidance as may be necessary
8 or appropriate to carry out the purposes of this section,
9 including—

10 “(1) regulations or other guidance providing
11 taxpayers with respect to whom information for nei-
12 ther taxable year described in subsection (g)(2) is
13 available to the Secretary the opportunity to provide
14 the Secretary information sufficient to allow the Sec-
15 retary to determine the amount of the credit or re-
16 fund for such taxpayer under subsection (g), and

17 “(2) regulations or other guidance providing for
18 the proper treatment of joint returns and taxpayers
19 with qualifying children if any individual taken into
20 account under this section with respect to such joint
21 return or by such taxpayer is an eligible individual
22 (as defined in section 202(b) of the COVID-19 Tax
23 Relief Act of 2020.

24 “(i) OUTREACH.—The Secretary shall carry out a ro-
25 bust and comprehensive outreach program to ensure that

1 all taxpayers described in subsection (h)(1) learn of their
2 eligibility for the advance refunds and credits under sub-
3 section (g); are advised of the opportunity to receive such
4 advance refunds and credits as provided under subsection
5 (h)(1); and are provided assistance in applying for such
6 advance refunds and credits. In conducting such outreach
7 program, the Secretary shall coordinate with other govern-
8 ment, State, and local agencies; federal partners; and com-
9 munity-based nonprofit organizations that regularly inter-
10 face with such taxpayers.”.

11 (b) TREATMENT OF CERTAIN POSSESSIONS.—

12 (1) PAYMENTS TO POSSESSIONS WITH MIRROR
13 CODE TAX SYSTEMS.—The Secretary of the Treas-
14 ury shall pay to each possession of the United States
15 which has a mirror code tax system amounts equal
16 to the loss (if any) to that possession by reason of
17 the amendments made by this section. Such
18 amounts shall be determined by the Secretary of the
19 Treasury based on information provided by the gov-
20 ernment of the respective possession.

21 (2) PAYMENTS TO OTHER POSSESSIONS.—The
22 Secretary of the Treasury shall pay to each posses-
23 sion of the United States which does not have a mir-
24 ror code tax system amounts estimated by the Sec-
25 retary of the Treasury as being equal to the aggre-

1 gate benefits (if any) that would have been provided
2 to residents of such possession by reason of the
3 amendments made by this section if a mirror code
4 tax system had been in effect in such possession.
5 The preceding sentence shall not apply unless the re-
6 spective possession has a plan, which has been ap-
7 proved by the Secretary of the Treasury, under
8 which such possession will promptly distribute such
9 payments to its residents.

10 (3) COORDINATION WITH CREDIT ALLOWED
11 AGAINST UNITED STATES INCOME TAXES.—No cred-
12 it shall be allowed against United States income
13 taxes under section 6431 of the Internal Revenue
14 Code of 1986 (as amended by this section), nor shall
15 any credit or refund be made or allowed under sub-
16 section (g) of such section, to any person—

17 (A) to whom a credit is allowed against
18 taxes imposed by the possession by reason of
19 the amendments made by this section, or

20 (B) who is eligible for a payment under a
21 plan described in paragraph (2).

22 (4) MIRROR CODE TAX SYSTEM.—For purposes
23 of this subsection, the term “mirror code tax sys-
24 tem” means, with respect to any possession of the
25 United States, the income tax system of such posses-

1 sion if the income tax liability of the residents of
2 such possession under such system is determined by
3 reference to the income tax laws of the United
4 States as if such possession were the United States.

5 (c) ADMINISTRATIVE PROVISIONS.—

6 (1) DEFINITION OF DEFICIENCY.—Section
7 6211(b)(4)(A) of the Internal Revenue Code of 1986
8 is amended by striking “168(k)(4)” and inserting
9 “168(k)(4), and 6431”.

10 (2) MATHEMATICAL OR CLERICAL ERROR AU-
11 THORITY.—Section 6213(g)(2) of such Code is
12 amended—

13 (A) by inserting “or section 6431 (relating
14 to economic assistance payments to individ-
15 uals)” before the comma at the end of subpara-
16 graph (H), and

17 (B) by striking “or 32” in subparagraph
18 (L) and inserting “32, or 6431”.

19 (3) EXEMPTION FROM OFFSETS.—So much of
20 any overpayment, credit, refund, or payment as is
21 attributable to the application of section 6431 of the
22 Internal Revenue Code of 1986 shall not be subject
23 to reduction, offset, or levy under section 6331 or
24 subsections (c), (d), (e), or (f) of section 6402 of

1 such Code or under section 3716 or 3720A of title
2 31, United States Code.

3 (4) TREATMENT OF CREDIT AND ADVANCE PAY-
4 MENTS.—For purposes of section 1324 of title 31,
5 United States Code, any credit under section
6 6431(a) of the Internal Revenue Code of 1986, any
7 credit or refund under section 6431(g) of such Code,
8 and any payment under subsection (b) of this sec-
9 tion, shall be treated in the same manner as a re-
10 fund due from a credit provision referred to in sub-
11 section (b)(2) of such section 1324.

12 (d) APPROPRIATIONS TO CARRY OUT THIS SEC-
13 TION.—

14 (1) IN GENERAL.—Immediately upon the enact-
15 ment of this Act, the following sums are appro-
16 priated, out of any money in the Treasury not other-
17 wise appropriated, for the fiscal year ending Sep-
18 tember 30, 2020—

19 (A) For an additional amount for “Depart-
20 ment of the Treasury—Bureau of Fiscal Serv-
21 ices—Salaries and Expenses”, \$78,650,000, to
22 remain available until September 30, 2021.

23 (B) For an additional amount for “Depart-
24 ment of the Treasury—Internal Revenue Serv-

1 ice—Taxpayer Services”, \$148,700,000, to re-
2 main available until September 30, 2021.

3 (2) REPORTS.—No later than 15 days after en-
4 actment of this Act, the Secretary of the Treasury
5 shall submit a plan to the Committees on Appropria-
6 tions of the House of Representatives and the Sen-
7 ate detailing the expected use of the funds provided
8 by paragraph (1). Beginning 90 days after enact-
9 ment of this Act, the Secretary of the Treasury shall
10 submit a quarterly report to the Committees on Ap-
11 propriations of the House of Representatives and the
12 Senate detailing the actual expenditure of funds pro-
13 vided by paragraph (1) and the expected expenditure
14 of such funds in the subsequent quarter.

15 (3) TRANSFER AUTHORITY.—In addition to the
16 authority provided in section 101 of title I of divi-
17 sion C of Public Law 116–93, the funds provided to
18 the Internal Revenue Service in paragraph (1) may
19 be transferred among accounts of the Internal Rev-
20 enue Service to prevent, prepare for, and respond to
21 coronavirus. On the date of any such transfer, the
22 Commissioner shall notify the Committees on Appro-
23 priations of the House of Representatives and Sen-
24 ate of such transfer.

1 **SEC. 202. ECONOMIC ASSISTANCE PAYMENTS TO CERTAIN**
2 **FEDERAL BENEFICIARIES.**

3 (a) PAYMENT AUTHORITIES AND AMOUNTS.—

4 (1) BASE AMOUNT PAYMENTS.—Subject to sub-
5 section (c), the Secretary of the Treasury shall dis-
6 burse a base amount payment to each individual
7 who, as of the date of the enactment of this Act, is
8 an eligible individual. Such payment shall be in the
9 amount that would be paid under section 6431(b) of
10 the Internal Revenue Code of 1986 for a single tax-
11 payer with no qualifying children.

12 (2) INCOME SUPPLEMENT AMOUNT PAY-
13 MENTS.—Subject to subsection (c), the Secretary of
14 the Treasury shall disburse income supplement
15 amount payments to each individual who, as of the
16 date of the enactment of this Act, is an eligible indi-
17 vidual. The total of such payments to each such in-
18 dividual shall equal the amount defined in
19 6431(e)(1)(B)(ii) for a single taxpayer with no
20 qualifying children.

21 (b) ELIGIBLE INDIVIDUAL.—

22 (1) IN GENERAL.—For purposes of subsection
23 (a), an “eligible individual” is an individual who, for
24 the last month that ends prior to the date of enact-
25 ment of this Act—

1 (A) is entitled to a social security insur-
2 ance benefit described in paragraph (2); or

3 (B) is eligible for a supplemental security
4 income benefit described in paragraph (3).

5 (2) SOCIAL SECURITY BENEFIT DESCRIBED.—

6 For purposes of paragraph (1), a social security in-
7 surance benefit described in this paragraph is any
8 monthly insurance benefit payable under title II of
9 the Social Security Act (42 U.S.C. 401 et seq.)
10 (other than child's insurance benefits payable under
11 section 202(d)(1)(B)(i) of such Act (42 U.S.C.
12 402(d)(1)(B)(i)), including payments made pursuant
13 to subsections (g) or (i)(7) of section 223 of such
14 Act (42 U.S.C. 423).

15 (3) SUPPLEMENTAL SECURITY INCOME BEN-
16 EFIT DESCRIBED.—For purposes of paragraph (1),
17 a supplemental security income benefit described in
18 this paragraph is a monthly benefit payable under
19 title XVI of the Social Security Act (42 U.S.C. 1381
20 et seq.) (other than a benefit to an individual de-
21 scribed in section 1611(e)(1)(B) or section
22 1614(a)(3)(C) of such Act (42 U.S.C.
23 1382(e)(1)(B); 1382c(a)(3)(C)), including—

24 (A) payments made pursuant to section
25 1619(a) (42 U.S.C. 1382h) or subsections

1 (a)(4), (a)(7), or (p)(7) of section 1631 (42
2 U.S.C. 1383) of such Act; and

3 (B) State supplementary payments of the
4 type referred to in section 1616(a) of such Act
5 (42 U.S.C. 1382e(a)) (or payments of the type
6 described in section 212(a) of Public Law 93–
7 66) which are paid by the Commissioner under
8 an agreement referred to in such section
9 1616(a) (or section 212(a) of Public Law 93–
10 66).

11 (4) LIMITATION.—Notwithstanding paragraph
12 (1), no individual shall be considered an eligible indi-
13 vidual for purposes of subsection (a) if, for the last
14 month that ends prior to the date of enactment of
15 this Act—

16 (A) the individual is entitled to a social se-
17 curity insurance benefit described in paragraph
18 (2) that was not payable for such month by rea-
19 son of subsection (x) or (y) of section 202 the
20 Social Security Act (42 U.S.C. 402) or section
21 1129A of such Act (42 U.S.C. 1320a–8a); or

22 (B) the individual is eligible for a supple-
23 mental security income benefit described in
24 paragraph (3) that was not payable for such
25 month by reason of subsection (e)(1)(A) or

1 (e)(4) of section 1611 (42 U.S.C. 1382) or sec-
2 tion 1129A of such Act (42 U.S.C. 1320a–8a).

3 (c) LIMITATIONS ON PAYMENTS.—

4 (1) RESIDENCY REQUIREMENT.—A payment
5 under this section shall be made only to individuals
6 who reside in 1 of the 50 States, the District of Co-
7 lumbia, Puerto Rico, Guam, the United States Vir-
8 gin Islands, American Samoa, or the Northern Mar-
9 iana Islands, or who are utilizing a foreign or do-
10 mestic Army Post Office or Fleet Post Office ad-
11 dress. For purposes of the preceding sentence, the
12 determination of the individual’s residence shall be
13 based on the address of record, as of the date of cer-
14 tification under subsection (d) for a payment under
15 this section, under a program specified in paragraph
16 (b).

17 (2) TIMING AND MANNER OF PAYMENTS.—

18 (A) TIMING OF BASE AMOUNT PAYMENT.—

19 The Secretary of the Treasury shall commence
20 disbursing payments under subsection (a)(1) at
21 the earliest practicable date but in no event
22 later than 90 days after the date of enactment
23 of this Act.

24 (B) TIMING OF INCOME SUPPLEMENT
25 AMOUNT PAYMENTS.—The Secretary of the

1 Treasury shall disburse payments under sub-
2 section (a)(2) on a periodic basis in coordina-
3 tion with the timing of refunds and credits
4 made under section 6431(h)(3)(B) of the Inter-
5 nal Revenue Code of 1986.

6 (C) ELECTRONIC DISBURSEMENT.—The
7 Secretary of the Treasury may disburse any
8 payment electronically to an individual in such
9 manner as if such payment were a benefit pay-
10 ment made to such individual under the appli-
11 cable program described in paragraph (2) or (3)
12 of subsection (b).

13 (D) NOTICES.—The Commissioner of So-
14 cial Security shall send one or more notices, as
15 appropriate, in connection with such payments.
16 Such notices shall include the information de-
17 scribed in section 6431(h)(7)(A) of the Internal
18 Revenue Code of 1986 relating to such pay-
19 ments being subject to recapture.

20 (d) IDENTIFICATION OF RECIPIENTS.—The Commis-
21 sioner of Social Security shall certify the individuals enti-
22 tled to receive payments under this section and provide
23 the Secretary of the Treasury with the information needed
24 to disburse such payments. A certification of an individual
25 for payment shall be unaffected by any subsequent deter-

1 mination or redetermination of the individual's entitlement
2 to, or eligibility for, a benefit specified in paragraph (2)
3 or (3) of subsection (b).

4 (e) TREATMENT OF PAYMENTS.—

5 (1) PAYMENT DISREGARDED FOR PURPOSES OF
6 ALL FEDERAL AND FEDERALLY ASSISTED PRO-
7 GRAMS.—A payment under subsection (a) shall not
8 be regarded as income or as a resource for any
9 month for purposes of determining the eligibility of
10 the recipient (or the recipient's spouse or family) for
11 benefits or assistance, or the amount or extent of
12 benefits or assistance, under any Federal program
13 or under any State or local program financed in
14 whole or in part with Federal funds.

15 (2) PAYMENT NOT CONSIDERED INCOME FOR
16 PURPOSES OF TAXATION.—A payment under sub-
17 section (a) shall not be considered as gross income
18 for purposes of the Internal Revenue Code of 1986.

19 (3) PAYMENTS PROTECTED FROM ASSIGN-
20 MENT.—The provisions of sections 207 and
21 1631(d)(1) of the Social Security Act (42 U.S.C.
22 407, 1383(d)(1)) shall apply to any payment made
23 under subsection (a) as if such payment was a ben-
24 efit payment made to such individual under the ap-

1 plicable program described in paragraph (2) or (3)
2 of subsection (b).

3 (4) PAYMENTS PROTECTED FROM OFFSET AND
4 RECLAMATION.—Notwithstanding paragraph (3), a
5 payment under subsection (a) shall not be subject to
6 any reduction, offset, or levy pursuant to—

7 (A) section 3716 or 3720A of title 31,
8 United States Code;

9 (B) section 6331 of the Internal Revenue
10 Code of 1986; or

11 (C) subsection (c), (d), (e), or (f) of section
12 6402 of the Internal Revenue Code of 1986.

13 (f) PAYMENT TO REPRESENTATIVE PAYEES.—

14 (1) IN GENERAL.—In any case in which an in-
15 dividual who is entitled to a payment under sub-
16 section (a) and whose benefit described in subsection
17 (b) is paid to a representative payee, the payment
18 under subsection (a) shall be made to the individ-
19 ual's representative payee and the entire payment
20 shall be used only for the benefit of the individual
21 who is entitled to the payment.

22 (2) ENFORCEMENT.—Section 1129(a)(3) of the
23 Social Security Act (42 U.S.C. 1320a–8(a)(3)) shall
24 apply to any payment under subsection (a) in the

1 same manner as such section applies to a payment
2 under title II or XVI of such Act.

3 (g) COORDINATION.—The Secretary of the Treasury
4 and the Commissioner of Social Security shall coordinate
5 with respect to any payments made under this section or
6 section 6431(h) of the Internal Revenue Code of 1986.

7 (h) APPROPRIATION.—Out of any money in the
8 Treasury not otherwise appropriated, there is appro-
9 priated to the Commissioner of Social Security such sums
10 as may be necessary for payments to individuals certified
11 by the Commissioner of Social Security as entitled to re-
12 ceive a payment under this section, to remain available
13 until expended.

14 **Subtitle B—Earned Income Tax** 15 **Credit**

16 **SEC. 211. STRENGTHENING THE EARNED INCOME TAX** 17 **CREDIT FOR INDIVIDUALS WITH NO QUALI-** 18 **FYING CHILDREN.**

19 (a) SPECIAL RULES FOR 2020 AND 2021.—Section
20 32 of the Internal Revenue Code of 1986 is amended by
21 adding at the end the following new subsection:

22 “(n) SPECIAL RULES FOR INDIVIDUALS WITHOUT
23 QUALIFYING CHILDREN.—In the case of any taxable year
24 beginning in 2020 or 2021—

1 “(1) DECREASE IN MINIMUM AGE FOR CRED-
2 IT.—

3 “(A) IN GENERAL.—Subsection
4 (c)(1)(A)(ii)(II) shall be applied by substituting
5 ‘the applicable minimum age’ for ‘age 25’.

6 “(B) APPLICABLE MINIMUM AGE.—For
7 purposes of this paragraph, the term ‘applicable
8 minimum age’ means—

9 “(i) except as otherwise provided in
10 this subparagraph, age 19,

11 “(ii) in the case of a full-time student
12 (other than a qualified former foster youth
13 or a qualified homeless youth), age 25, and

14 “(iii) in the case of a qualified former
15 foster youth or qualified homeless youth,
16 age 18.

17 “(C) FULL-TIME STUDENT.—For purposes
18 of this paragraph, the term ‘full-time student’
19 means, with respect to any taxable year, an in-
20 dividual who is an eligible student (as defined
21 in section 25A(b)(3)) during at least 5 calendar
22 months during the taxable year.

23 “(D) QUALIFIED FORMER FOSTER
24 YOUTH.—For purposes of this paragraph, the

1 term ‘qualified former foster youth’ means an
2 individual who—

3 “(i) on or after the date that such in-
4 dividual attained age 14, was in foster care
5 provided under the supervision or adminis-
6 tration of a State or tribal agency admin-
7 istering (or eligible to administer) a plan
8 under part B or part E of the Social Secu-
9 rity Act (without regard to whether Fed-
10 eral assistance was provided with respect
11 to such child under such part E), and

12 “(ii) provides (in such manner as the
13 Secretary may provide) consent for State
14 and tribal agencies which administer a
15 plan under part B or part E of the Social
16 Security Act to disclose to the Secretary
17 information related to the status of such
18 individual as a qualified former foster
19 youth.

20 “(E) QUALIFIED HOMELESS YOUTH.—For
21 purposes of this paragraph, the term ‘qualified
22 homeless youth’ means, with respect to any tax-
23 able year, an individual who—

24 “(i) is certified by a local educational
25 agency or a financial aid administrator

1 during such taxable year as being either an
2 unaccompanied youth who is a homeless
3 child or youth, or as unaccompanied, at
4 risk of homelessness, and self-supporting.
5 Terms used in the preceding sentence
6 which are also used in section 480(d)(1) of
7 the Higher Education Act of 1965 shall
8 have the same meaning as when used in
9 such section, and

10 “(ii) provides (in such manner as the
11 Secretary may provide) consent for local
12 educational agencies and financial aid ad-
13 ministrators to disclose to the Secretary in-
14 formation related to the status of such in-
15 dividual as a qualified homeless youth.

16 “(2) INCREASE IN MAXIMUM AGE FOR CRED-
17 IT.—Subsection (c)(1)(A)(ii)(II) shall be applied by
18 substituting ‘age 66’ for ‘age 65’.

19 “(3) INCREASE IN CREDIT AND PHASEOUT PER-
20 CENTAGES.—The table contained in subsection
21 (b)(1) shall be applied by substituting ‘15.3’ for
22 ‘7.65’ each place it appears therein.

23 “(4) INCREASE IN EARNED INCOME AND
24 PHASEOUT AMOUNTS.—

1 “(A) IN GENERAL.—The table contained in
2 subsection (b)(2)(A) shall be applied—

3 “(i) by substituting ‘\$9,570’ for
4 ‘\$4,220’, and

5 “(ii) by substituting ‘\$11,310’ for
6 ‘\$5,280’.

7 “(B) COORDINATION WITH INFLATION AD-
8 JUSTMENT.—

9 “(i) IN GENERAL.—In the case of any
10 taxable year beginning after 2019, the
11 \$9,570 and \$11,310 amounts in subpara-
12 graph (A) shall each be increased by an
13 amount equal to—

14 “(I) such dollar amount, multi-
15 plied by

16 “(II) the cost-of-living adjust-
17 ment determined under section 1(f)(3)
18 for the calendar year in which the tax-
19 able year begins, determined by sub-
20 stituting ‘2018’ for ‘2016’ in subpara-
21 graph (A)(ii) thereof.

22 “(ii) ROUNDING.—If any increase
23 under clause (i) is not a multiple of \$10,
24 such increase shall be rounded to the near-
25 est multiple of \$10.

1 “(iii) COORDINATION WITH OTHER IN-
2 FLATION ADJUSTMENT.—Subsection (j)
3 shall not apply to any dollar amount speci-
4 fied in this paragraph.”.

5 (b) INFORMATION RETURN MATCHING.—As soon as
6 practicable, the Secretary of the Treasury (or the Sec-
7 retary’s delegate) shall develop and implement procedures
8 for checking an individual’s claim for a credit under sec-
9 tion 32 of the Internal Revenue Code of 1986, by reason
10 of subsection (n)(1) thereof, against any information re-
11 turn made with respect to such individual under section
12 6050S (relating to returns relating to higher education
13 tuition and related expenses).

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

17 **SEC. 212. TAXPAYER ELIGIBLE FOR CHILDLESS EARNED IN-**
18 **COME CREDIT IN CASE OF QUALIFYING CHIL-**
19 **DREN WHO FAIL TO MEET CERTAIN IDENTI-**
20 **FICATION REQUIREMENTS.**

21 (a) IN GENERAL.—Section 32(c)(1) of the Internal
22 Revenue Code of 1986 is amended by striking subpara-
23 graph (F).

1 (b) EFFECTIVE DATE.—The amendment made by
2 this section shall apply to taxable years beginning after
3 the date of the enactment of this Act.

4 **SEC. 213. CREDIT ALLOWED IN CASE OF CERTAIN SEPA-**
5 **RATED SPOUSES.**

6 (a) IN GENERAL.—Section 32(d) of the Internal Rev-
7 enue Code of 1986 is amended—

8 (1) by striking “MARRIED INDIVIDUALS.—In
9 the case of” and inserting the following: “MARRIED
10 INDIVIDUALS.—

11 “(1) IN GENERAL.—In the case of”, and

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

14 “(2) DETERMINATION OF MARITAL STATUS.—
15 For purposes of this section—

16 “(A) IN GENERAL.—Except as provided in
17 subparagraph (B), marital status shall be deter-
18 mined under section 7703(a).

19 “(B) SPECIAL RULE FOR SEPARATED
20 SPOUSE.—An individual shall not be treated as
21 married if such individual—

22 “(i) is married (as determined under
23 section 7703(a)) and does not file a joint
24 return for the taxable year,

1 “(ii) lives with a qualifying child of
2 the individual for more than one-half of
3 such taxable year, and

4 “(iii)(I) during the last 6 months of
5 such taxable year, does not have the same
6 principal place of abode as the individual’s
7 spouse, or

8 “(II) has a decree, instrument, or
9 agreement (other than a decree of divorce)
10 described in section 121(d)(3)(C) with re-
11 spect to the individual’s spouse and is not
12 a member of the same household with the
13 individual’s spouse by the end of the tax-
14 able year.”.

15 (b) CONFORMING AMENDMENTS.—

16 (1) Section 32(c)(1)(A) of such Code is amend-
17 ed by striking the last sentence.

18 (2) Section 32(c)(1)(E)(ii) of such Code is
19 amended by striking “(within the meaning of section
20 7703)”.

21 (3) Section 32(d)(1) of such Code, as amended
22 by subsection (a), is amended by striking “(within
23 the meaning of section 7703)”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to taxable years beginning after
3 the date of the enactment of this Act.

4 **SEC. 214. ELIMINATION OF DISQUALIFIED INVESTMENT IN-**
5 **COME TEST.**

6 (a) IN GENERAL.—Section 32 of the Internal Rev-
7 enue Code of 1986 is amended by striking subsection (i).

8 (b) CONFORMING AMENDMENTS.—

9 (1) Section 32(j)(1) of such Code is amended
10 by striking “subsections (b)(2) and (i)(1)” and in-
11 sserting “subsection (b)(2)”.

12 (2) Section 32(j)(1)(B)(i) of such Code is
13 amended by striking “subsections (b)(2)(A) and
14 (i)(1)” and inserting “subsection (b)(2)(A)”.

15 (3) Section 32(j)(2) of such Code is amended—

16 (A) by striking subparagraph (B), and

17 (B) by striking “ROUNDING.—” and all
18 that follows through “If any dollar amount”
19 and inserting the following: “ROUNDING.—If
20 any dollar amount”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to taxable years beginning after
23 the date of the enactment of this Act.

1 **SEC. 215. APPLICATION OF EARNED INCOME TAX CREDIT**
2 **IN POSSESSIONS OF THE UNITED STATES.**

3 (a) IN GENERAL.—Chapter 77 of the Internal Rev-
4 enue Code of 1986 is amended by adding at the end the
5 following new section:

6 **“SEC. 7530. APPLICATION OF EARNED INCOME TAX CREDIT**
7 **TO POSSESSIONS OF THE UNITED STATES.**

8 “(a) PUERTO RICO.—

9 “(1) IN GENERAL.—With respect to calendar
10 year 2021 and each calendar year thereafter, the
11 Secretary shall, except as otherwise provided in this
12 subsection, make payments to Puerto Rico equal
13 to—

14 “(A) the specified matching amount for
15 such calendar year, plus

16 “(B) in the case of calendar years 2021
17 through 2025, the lesser of—

18 “(i) the expenditures made by Puerto
19 Rico during such calendar year for edu-
20 cation efforts with respect to individual
21 taxpayers and tax return preparers relat-
22 ing to the earned income tax credit, or

23 “(ii) \$1,000,000.

24 “(2) REQUIREMENT TO REFORM EARNED IN-
25 COME TAX CREDIT.—The Secretary shall not make
26 any payments under paragraph (1) with respect to

1 any calendar year unless Puerto Rico has in effect
2 an earned income tax credit for taxable years begin-
3 ning in or with such calendar year which (relative to
4 the earned income tax credit which was in effect for
5 taxable years beginning in or with calendar year
6 2019) increases the percentage of earned income
7 which is allowed as a credit for each group of indi-
8 viduals with respect to which such percentage is sep-
9 arately stated or determined in a manner designed
10 to substantially increase workforce participation.

11 “(3) SPECIFIED MATCHING AMOUNT.—For pur-
12 poses of this subsection—

13 “(A) IN GENERAL.—The term ‘specified
14 matching amount’ means, with respect to any
15 calendar year, the lesser of—

16 “(i) the excess (if any) of—

17 “(I) the cost to Puerto Rico of
18 the earned income tax credit for tax-
19 able years beginning in or with such
20 calendar year, over

21 “(II) the base amount for such
22 calendar year, or

23 “(ii) the product of 3, multiplied by
24 the base amount for such calendar year.

25 “(B) BASE AMOUNT.—

1 “(i) BASE AMOUNT FOR 2021.—In the
2 case of calendar year 2021, the term ‘base
3 amount’ means the greater of—

4 “(I) the cost to Puerto Rico of
5 the earned income tax credit for tax-
6 able years beginning in or with cal-
7 endar year 2019 (rounded to the
8 nearest multiple of \$1,000,000), or

9 “(II) \$200,000,000.

10 “(ii) INFLATION ADJUSTMENT.—In
11 the case of any calendar year after 2021,
12 the term ‘base amount’ means the dollar
13 amount determined under clause (i) in-
14 creased by an amount equal to—

15 “(I) such dollar amount, multi-
16 plied by—

17 “(II) the cost-of-living adjust-
18 ment determined under section 1(f)(3)
19 for such calendar year, determined by
20 substituting ‘calendar year 2020’ for
21 ‘calendar year 2016’ in subparagraph
22 (A)(ii) thereof.

23 Any amount determined under this clause
24 shall be rounded to the nearest multiple of
25 \$1,000,000.

1 “(4) RULES RELATED TO PAYMENTS AND RE-
2 PORTS.—

3 “(A) TIMING OF PAYMENTS.—The Sec-
4 retary shall make payments under paragraph
5 (1) for any calendar year—

6 “(i) after receipt of the report de-
7 scribed in subparagraph (B) for such cal-
8 endar year, and

9 “(ii) except as provided in clause (i),
10 within a reasonable period of time before
11 the due date for individual income tax re-
12 turns (as determined under the laws of
13 Puerto Rico) for taxable years which began
14 on the first day of such calendar year.

15 “(B) ANNUAL REPORTS.—With respect to
16 calendar year 2021 and each calendar year
17 thereafter, Puerto Rico shall provide to the Sec-
18 retary a report which shall include—

19 “(i) an estimate of the costs described
20 in paragraphs (1)(B)(i) and (3)(A)(i)(I)
21 with respect to such calendar year, and

22 “(ii) a statement of such costs with
23 respect to the preceding calendar year.

24 “(C) ADJUSTMENTS.—

1 “(i) IN GENERAL.—In the event that
2 any estimate of an amount is more or less
3 than the actual amount as later deter-
4 mined and any payment under paragraph
5 (1) was determined on the basis of such
6 estimate, proper payment shall be made
7 by, or to, the Secretary (as the case may
8 be) as soon as practicable after the deter-
9 mination that such estimate was inac-
10 curate. Proper adjustment shall be made in
11 the amount of any subsequent payments
12 made under paragraph (1) to the extent
13 that proper payment is not made under the
14 preceding sentence before such subsequent
15 payments.

16 “(ii) ADDITIONAL REPORTS.—The
17 Secretary may require such additional peri-
18 odic reports of the information described in
19 subparagraph (B) as the Secretary deter-
20 mines appropriate to facilitate timely ad-
21 justments under clause (i).

22 “(D) DETERMINATION OF COST OF
23 EARNED INCOME TAX CREDIT.—For purposes
24 of this subsection, the cost to Puerto Rico of
25 the earned income tax credit shall be deter-

1 mined by the Secretary on the basis of the laws
2 of Puerto Rico and shall include reductions in
3 revenues received by Puerto Rico by reason of
4 such credit and refunds attributable to such
5 credit, but shall not include any administrative
6 costs with respect to such credit.

7 “(E) PREVENTION OF MANIPULATION OF
8 BASE AMOUNT.—No payments shall be made
9 under paragraph (1) if the earned income tax
10 credit as in effect in Puerto Rico for taxable
11 years beginning in or with calendar year 2019
12 is modified after the date of the enactment of
13 this subsection.

14 “(b) POSSESSIONS WITH MIRROR CODE TAX SYS-
15 TEMS.—

16 “(1) IN GENERAL.—With respect to calendar
17 year 2021 and each calendar year thereafter, the
18 Secretary shall, except as otherwise provided in this
19 subsection, make payments to the Virgin Islands,
20 Guam, and the Commonwealth of the Northern Mar-
21 iana Islands equal to—

22 “(A) 75 percent of the cost to such posses-
23 sion of the earned income tax credit for taxable
24 years beginning in or with such calendar year,
25 plus

1 “(B) in the case of calendar years 2021
2 through 2025, the lesser of—

3 “(i) the expenditures made by such
4 possession during such calendar year for
5 education efforts with respect to individual
6 taxpayers and tax return preparers relat-
7 ing to such earned income tax credit, or

8 “(ii) \$50,000.

9 “(2) APPLICATION OF CERTAIN RULES.—Rules
10 similar to the rules of subparagraphs (A), (B), (C),
11 and (D) of subsection (a)(4) shall apply for purposes
12 of this subsection.

13 “(c) AMERICAN SAMOA.—

14 “(1) IN GENERAL.—With respect to calendar
15 year 2021 and each calendar year thereafter, the
16 Secretary shall, except as otherwise provided in this
17 subsection, make payments to American Samoa
18 equal to—

19 “(A) the lesser of—

20 “(i) 75 percent of the cost to Amer-
21 ican Samoa of the earned income tax cred-
22 it for taxable years beginning in or with
23 such calendar year, or

24 “(ii) \$12,000,000, plus

1 “(B) in the case of calendar years 2021
2 through 2025, the lesser of—

3 “(i) the expenditures made by Amer-
4 ican Samoa during such calendar year for
5 education efforts with respect to individual
6 taxpayers and tax return preparers relat-
7 ing to such earned income tax credit, or

8 “(ii) \$50,000.

9 “(2) REQUIREMENT TO ENACT AND MAINTAIN
10 AN EARNED INCOME TAX CREDIT.—The Secretary
11 shall not make any payments under paragraph (1)
12 with respect to any calendar year unless American
13 Samoa has in effect an earned income tax credit for
14 taxable years beginning in or with such calendar
15 year which allows a refundable tax credit to individ-
16 uals on the basis of the taxpayer’s earned income
17 which is designed to substantially increase workforce
18 participation.

19 “(3) INFLATION ADJUSTMENT.—In the case of
20 any calendar year after 2021, the \$12,000,000
21 amount in paragraph (1)(A)(ii) shall be increased by
22 an amount equal to—

23 “(A) such dollar amount, multiplied by—

24 “(B) the cost-of-living adjustment deter-
25 mined under section 1(f)(3) for such calendar

1 year, determined by substituting ‘calendar year
2 2020’ for ‘calendar year 2016’ in subparagraph
3 (A)(ii) thereof.

4 Any increase determined under this clause shall be
5 rounded to the nearest multiple of \$100,000.

6 “(4) APPLICATION OF CERTAIN RULES.—Rules
7 similar to the rules of subparagraphs (A), (B), (C),
8 and (D) of subsection (a)(4) shall apply for purposes
9 of this subsection.

10 “(d) TREATMENT OF PAYMENTS.—For purposes of
11 section 1324 of title 31, United States Code, the payments
12 under this section shall be treated in the same manner
13 as a refund due from a credit provision referred to in sub-
14 section (b)(2) of such section.”.

15 (b) CLERICAL AMENDMENT.—The table of sections
16 for chapter 77 of such Code is amended by adding at the
17 end the following new item:

“Sec. 7529. Application of earned income tax credit to possessions of the
United States.”.

18 **Subtitle C—Child Tax Credit**

19 **SEC. 221. CHILD TAX CREDIT FULLY REFUNDABLE FOR 2020** 20 **THROUGH 2025.**

21 (a) IN GENERAL.—Section 24(h)(5) of the Internal
22 Revenue Code of 1986 is amended to read as follows:

23 “(5) REFUNDABLE CREDIT.—The increase de-
24 termined under the first sentence of subsection

1 (d)(1) shall be the amount determined under sub-
2 paragraph (A) of such subsection (determined with-
3 out regard to paragraph (4) of this subsection).”.

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

7 **SEC. 222. APPLICATION OF CHILD TAX CREDIT IN POSSES-**
8 **SIONS.**

9 (a) IN GENERAL.—Section 24 of the Internal Rev-
10 enue Code of 1986 is amended by adding at the end the
11 following new subsection:

12 “(i) APPLICATION OF CREDIT IN POSSESSIONS.—

13 “(1) MIRROR CODE POSSESSIONS.—

14 “(A) IN GENERAL.—The Secretary shall
15 pay to each possession of the United States
16 with a mirror code tax system amounts equal to
17 the loss to that possession by reason of the ap-
18 plication of this section (determined without re-
19 gard to this subsection) with respect to taxable
20 years beginning after 2019. Such amounts shall
21 be determined by the Secretary of the Treasury
22 based on information provided by the govern-
23 ment of the respective possession.

24 “(B) COORDINATION WITH CREDIT AL-
25 LOWED AGAINST UNITED STATES INCOME

1 TAXES.—No credit shall be allowed under this
2 section for any taxable year to any individual to
3 whom a credit is allowable against taxes im-
4 posed by a possession with a mirror code tax
5 system by reason of the application of this sec-
6 tion in such possession for such taxable year.

7 “(C) MIRROR CODE TAX SYSTEM.—For
8 purposes of this paragraph, the term ‘mirror
9 code tax system’ means, with respect to any
10 possession of the United States, the income tax
11 system of such possession if the income tax li-
12 ability of the residents of such possession under
13 such system is determined by reference to the
14 income tax laws of the United States as if such
15 possession were the United States.

16 “(2) PUERTO RICO.—In the case of any bona
17 fide resident of Puerto Rico (within the meaning of
18 section 937(a))—

19 “(A) the credit determined under this sec-
20 tion shall be allowable to such resident,

21 “(B) in the case of any taxable year begin-
22 ning after December 31, 2021, and before Jan-
23 uary 1, 2027, the increase determined under
24 the first sentence of subsection (d)(1) shall be
25 the lesser of—

1 “(i) the amount determined under
2 subsection (d)(1)(A) (determined without
3 regard to subsection (h)(4)), or

4 “(ii) the dollar amount in effect under
5 subsection (h)(5), and

6 “(C) in the case of any taxable year after
7 December 31, 2026, the increase determined
8 under the first sentence of subsection (d)(1)
9 shall be the amount determined under sub-
10 section (d)(1)(A).

11 “(3) AMERICAN SAMOA.—

12 “(A) IN GENERAL.—The Secretary shall
13 pay to American Samoa amounts estimated by
14 the Secretary as being equal to the aggregate
15 benefits that would have been provided to resi-
16 dents of American Samoa by reason of the ap-
17 plication of this section for taxable years begin-
18 ning after 2019 if the provisions of this section
19 had been in effect in American Samoa.

20 “(B) DISTRIBUTION REQUIREMENT.—Sub-
21 paragraph (A) shall not apply unless American
22 Samoa has a plan, which has been approved by
23 the Secretary, under which American Samoa
24 will promptly distribute such payments to the
25 residents of American Samoa in a manner

1 which replicates to the greatest degree prac-
2 ticable the benefits that would have been so
3 provided to each such resident.

4 “(C) COORDINATION WITH CREDIT AL-
5 LOWED AGAINST UNITED STATES INCOME
6 TAXES.—

7 “(i) IN GENERAL.—In the case of a
8 taxable year with respect to which a plan
9 is approved under subparagraph (B), this
10 section (other than this subsection) shall
11 not apply to any individual eligible for a
12 distribution under such plan.

13 “(ii) APPLICATION OF SECTION IN
14 EVENT OF ABSENCE OF APPROVED
15 PLAN.—In the case of a taxable year with
16 respect to which a plan is not approved
17 under subparagraph (B), rules similar to
18 the rules of paragraph (2) shall apply with
19 respect to bona fide residents of American
20 Samoa (within the meaning of section
21 937(a)).

22 “(4) TREATMENT OF PAYMENTS.—The pay-
23 ments made under this subsection shall be treated in
24 the same manner for purposes of section 1324(b)(2)

1 of title 31, United States Code, as refunds due from
2 the credit allowed under this section.”.

3 (b) **EFFECTIVE DATE.**—The amendment made by
4 this section shall apply to taxable years beginning after
5 December 31, 2019.

6 **SEC. 223. INCREASED CHILD TAX CREDIT.**

7 (a) **IN GENERAL.**—Section 24(h)(2) of the Internal
8 Revenue Code of 1986 is amended to read to as follows:

9 “(2) **CREDIT AMOUNT.**—Subsection (a) shall be
10 applied by substituting ‘\$3,000 (\$3,600 in the case
11 of a qualifying child who has not attained age 6 as
12 of the close of the calendar year in which the taxable
13 year of the taxpayer begins)’ for ‘\$1,000’.”.

14 (b) **EFFECTIVE DATE.**—The amendment made by
15 this section shall apply to taxable years beginning after
16 December 31, 2019.

17 **Subtitle D—Dependent Care**
18 **Assistance**

19 **SEC. 231. REFUNDABILITY AND ENHANCEMENT OF CHILD**
20 **AND DEPENDENT CARE TAX CREDIT.**

21 (a) **IN GENERAL.**—Section 21 of the Internal Rev-
22 enue Code of 1986 is amended by adding at the end the
23 following new subsection:

24 “(g) **SPECIAL RULES FOR 2020 AND 2021.**—In the
25 case of any taxable year beginning in 2020 or 2021—

1 “(1) CREDIT MADE REFUNDABLE.—In the case
2 of an individual other than a nonresident alien, the
3 credit allowed under subsection (a) shall be treated
4 as a credit allowed under subpart C (and not allowed
5 under this subpart).

6 “(2) INCREASE IN APPLICABLE PERCENTAGE.—
7 Subsection (a)(2) shall be applied—

8 “(A) by substituting ‘50 percent’ for ‘35
9 percent’, and

10 “(B) by substituting ‘\$120,000’ for
11 ‘\$15,000’.

12 “(3) INCREASE IN DOLLAR LIMIT ON AMOUNT
13 CREDITABLE.—Subsection (c) shall be applied—

14 “(A) by substituting ‘\$6,000’ for ‘\$3,000’
15 in paragraph (1) thereof, and

16 “(B) by substituting ‘twice the amount in
17 effect under paragraph (1)’ for ‘\$6,000’ in
18 paragraph (2) thereof.

19 “(4) INFLATION ADJUSTMENT OF DOLLAR
20 AMOUNTS.—In the case of any taxable year begin-
21 ning after 2020, the \$120,000 amount in paragraph
22 (2)(B) and the \$6,000 amount in paragraph (3)(A)
23 shall each be increased by an amount equal to—

24 “(A) such dollar amount, multiplied by

1 “(B) the cost-of-living adjustment deter-
2 mined under section 1(f)(3) for the calendar
3 year in which the taxable year begins, deter-
4 mined by substituting ‘2019’ for ‘2016’ in sub-
5 paragraph (A)(ii) thereof.

6 If any increase determined under this paragraph is
7 not a multiple of \$100, such increase shall be round-
8 ed to the next lowest multiple of \$100.

9 “(5) INCOME LIMITATION.—

10 “(A) IN GENERAL.—Paragraphs (1)
11 through (4) of this subsection shall not apply to
12 any taxpayer for any taxable year if the modi-
13 fied adjusted gross income of such taxpayer for
14 such taxable year exceeds \$1,000,000.

15 “(B) MODIFIED ADJUSTED GROSS IN-
16 COME.—For purposes of this paragraph, the
17 term ‘modified adjusted gross income’ means
18 adjusted gross income determined without re-
19 gard to sections 911, 931, and 933.”.

20 (b) CONFORMING AMENDMENT.—Section 1324(b)(2)
21 of title 31, United States Code, is amended by inserting
22 “21 (by reason of subsection (g) thereof),” before “25A”.

23 (c) COORDINATION WITH POSSESSION TAX SYS-
24 TEMS.—Section 21(g)(1) of the Internal Revenue Code of

1 1986 (as added by this section) shall not apply to any per-
2 son—

3 (1) to whom a credit is allowed against taxes
4 imposed by a possession with a mirror code tax sys-
5 tem by reason of the application of section 21 of
6 such Code in such possession for such taxable year,
7 or

8 (2) to whom a credit would be allowed against
9 taxes imposed by a possession which does not have
10 a mirror code tax system if the provisions of section
11 21 of such Code had been in effect in such posses-
12 sion for such taxable year.

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

16 **SEC. 232. INCREASE IN EXCLUSION FOR EMPLOYER-PRO-**
17 **VIDED DEPENDENT CARE ASSISTANCE.**

18 (a) IN GENERAL.—Section 129(a)(2) of the Internal
19 Revenue Code of 1986 is amended by adding at the end
20 the following new subparagraph:

21 “(D) SPECIAL RULE FOR 2021 AND 2022.—
22 In the case of any taxable year beginning in
23 2021 or 2022—

24 “(i) IN GENERAL.—Subparagraph (A)
25 shall be applied be substituting ‘\$10,500

1 (half such dollar amount' for '\$5,000
2 (\$2,500'.

3 “(ii) INFLATION ADJUSTMENT.—In
4 the case of any taxable year beginning
5 after 2021, the \$10,500 amount in clause
6 (i) shall be increased by an amount equal
7 to—

8 “(I) such dollar amount, multi-
9 plied by

10 “(II) the cost-of-living adjust-
11 ment determined under section 1(f)(3)
12 for the calendar year in which the tax-
13 able year begins, determined by sub-
14 stituting ‘2020’ for ‘2016’ in subpara-
15 graph (A)(ii) thereof.

16 Any increase determined under the pre-
17 ceding sentence which is not a multiple of
18 \$50, shall be rounded to the nearest mul-
19 tiple of \$50.”.

20 (b) EFFECTIVE DATE.—The amendment made by
21 this section shall apply to taxable years beginning after
22 December 31, 2020.

1 **Subtitle E—Net Operating Losses**

2 **SEC. 241. FIVE-YEAR CARRYBACK OF NET OPERATING** 3 **LOSSES AND TEMPORARY SUSPENSION OF** 4 **TAXABLE INCOME LIMITATION.**

5 (a) IN GENERAL.—Section 172 of the Internal Rev-
6 enue Code of 1986 is amended by redesignating subsection
7 (g) as subsection (h) and by inserting after subsection (f)
8 the following new subsection:

9 “(g) SPECIAL RULES FOR 2018, 2019, and 2020.—
10 For purposes of this section—

11 “(1) FIVE-YEAR CARRYBACK.—

12 “(A) IN GENERAL.—Any net operating loss
13 arising in a taxable year beginning after De-
14 cember 31, 2017, and before January 1,
15 2021—

16 “(i) shall be a net operating loss
17 carryback to each of the 5 taxable years
18 preceding the taxable year of such loss
19 (but not to any taxable year beginning be-
20 fore January 1, 2015), and

21 “(ii) subparagraphs (B) and (C)(i) of
22 subsection (b)(1) shall not apply.

23 “(B) ELECTION OUT.—A taxpayer may
24 elect not to have subparagraph (A) apply for
25 any taxable year. Such election shall be made in

1 such manner as may be prescribed by the Sec-
2 retary, and shall be made—

3 “(i) in the case of any election relat-
4 ing to a net operating loss arising in a tax-
5 able year beginning in 2018 or 2019, by
6 the due date (including extension of time)
7 for filing the return for the taxpayer’s first
8 taxable year ending after the date of the
9 enactment of this subparagraph.

10 “(ii) in the case of any election relat-
11 ing to a net operating loss arising in a tax-
12 able year beginning in 2020, by the due
13 date (including extensions of time) for
14 such taxable year.

15 Any such election, once made, shall be irrev-
16 ocable.

17 “(2) SUSPENSION OF NET OPERATING LOSS
18 LIMITATION.—For taxable years beginning after De-
19 cember 31, 2017, and before January 1, 2021, the
20 amount of the deduction allowed under subsection
21 (a) shall be the aggregate of the net operating loss
22 carryovers to such year, plus the net operating loss
23 carrybacks to such year.

24 “(3) DISQUALIFIED TAXPAYER.—Paragraphs
25 (1) and (2) shall not apply with respect to any tax-

1 able year in which the taxpayer is a disqualified tax-
2 payer. Any taxpayer who is a disqualified taxpayer
3 in the first taxable year ending after the date of the
4 enactment of this paragraph, shall be treated as a
5 disqualified taxpayer for taxable years beginning on
6 or after January 1, 2018.

7 “(4) DEFINITIONS.—For purposes of this sub-
8 section—

9 “(A) DISQUALIFIED TAXPAYER.—A tax-
10 payer is a disqualified taxpayer with respect to
11 a taxable year if—

12 “(i) in the case of a taxable year end-
13 ing after December 31, 2019, and begin-
14 ning before January 1, 2021, the taxpayer
15 (or any related person) is not allowed a de-
16 duction under this chapter for the taxable
17 year by reason of section 162(m) or section
18 280G, or

19 “(ii) the taxpayer (or any related per-
20 son) is a specified corporation for the tax-
21 able year.

22 “(B) SPECIFIED CORPORATION.—

23 “(i) IN GENERAL.—The term ‘speci-
24 fied corporation’ means, with respect to
25 any taxable year, a corporation the aggre-

1 gate distributions (including redemptions)
2 of which during any taxable year ending
3 after December 31, 2017, exceed the sum
4 of applicable stock issued of such corpora-
5 tion and 5 percent of the fair market value
6 of the stock of such corporation as of the
7 last day of the taxable year.

8 “(ii) APPLICABLE STOCK ISSUED.—
9 The term ‘applicable stock issued’ means,
10 with respect to any corporation, the aggre-
11 gate value of stock issued by the corpora-
12 tion during any taxable year ending after
13 December 31, 2017, in exchange for money
14 or property other than stock in such cor-
15 poration.

16 “(iii) CERTAIN PREFERRED STOCK
17 DISREGARDED.—For purposes of clause
18 (i), stock described in section 1504(a)(4),
19 and distributions (including redemptions)
20 with respect to such stock, shall be dis-
21 regarded.

22 “(C) RELATED PERSON.—A person is a re-
23 lated person to a taxpayer if the related person
24 bears a relationship to the taxpayer specified in
25 section 267(b) or section 707(b)(1).

1 “(5) SPECIAL RULE FOR LIFE INSURANCE COM-
2 PANIES.—In the case of a net operating loss of a life
3 insurance company which arises in a taxable year
4 beginning after December 31, 2017, and before Janu-
5 ary 1, 2021, and which is a net operating loss
6 carryback to a taxable year beginning before Janu-
7 ary 1, 2018, such net operating loss shall be treated
8 as an operations loss deduction under subchapter L
9 (as in effect before the enactment of Public Law
10 115–97) with respect to such taxable year in the
11 same manner as a loss arising in a taxable year be-
12 ginning before January 1, 2018.”.

13 (b) COORDINATION WITH TAXABLE YEAR FOR
14 WHICH DEFERRED FOREIGN INCOME TREATED AS SUB-
15 PART F INCOME.—Section 965(n) of such Code is amend-
16 ed by adding at the end the following new paragraph:

17 “(4) DEEMED ELECTION IN CASE OF CERTAIN
18 NET OPERATING LOSS CARRYBACKS.—In the case of
19 a net operating loss carryback to such taxable year
20 by reason of section 172(g)(1), the taxpayer shall be
21 treated as having elected the application of this sub-
22 section for such taxable year.”.

23 (c) CONFORMING AMENDMENT.—Section 172(b)(1)
24 of such Code is amended by inserting “and subsection (g)”
25 after “this paragraph”.

1 (d) REGULATORY AUTHORITY.—The Secretary of the
2 Treasury (or the Secretary’s delegate) shall prescribe such
3 regulations or other guidance as are necessary or appro-
4 priate to prevent the abuse of the purposes of the amend-
5 ments made by this section, including—

6 (1) anti-stuffing rules, anti-churning rules (in-
7 cluding rules relating to sale-leasebacks), and rules
8 similar to the rules under section 1091 of the Inter-
9 nal Revenue Code of 1986 relating to losses from
10 wash sales,

11 (2) rules applying this subsection to successor
12 corporations and in cases where a taxpayer becomes,
13 or ceases to be, a member of an affiliated group fil-
14 ing a consolidated return under section 1501 of such
15 Code,

16 (3) rules treating members of an affiliated
17 group filing a consolidated return under section
18 1501 of such Code as a single corporation, and

19 (4) rules to prevent the avoidance of this sec-
20 tion through related parties, pass-through entities,
21 and intermediaries.

22 (e) SPECIAL RULES.—Rules similar to the rules of
23 subparagraphs (B) and (D) of section 172(b)(1) of the
24 Internal Revenue Code of 1986, as in effect on the day
25 before the date of the enactment of Public Law 115–97,

1 shall apply to any net operating loss to which the amend-
2 ment made by this section applies. The Secretary of the
3 Treasury (or the Secretary's delegate) shall prescribe such
4 regulations or other guidance as are necessary or appro-
5 priate to effect the purposes of such subparagraphs with
6 respect to any such net operating losses.

7 (f) EFFECTIVE DATE.—

8 (1) NET OPERATING LOSS LIMITATION.—Ex-
9 cept as provided in paragraph (2), the amendments
10 made by subsections (a) shall apply to—

11 (A) taxable years beginning after Decem-
12 ber 31, 2017, and

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

17 (2) CARRYBACKS.—In the case of the amend-
18 ments made by subsections (b) and (c), and so much
19 of subsection (a) as relates to the carryback of net
20 operating losses, such amendments shall apply to net
21 operating losses arising in taxable years ending after
22 December 31, 2017, and beginning before January
23 1, 2021.

1 Response Act) on the wages paid with respect to the
2 employment of all the employees of the eligible em-
3 ployer.

4 (3) REFUNDABILITY OF EXCESS CREDIT.—

5 (A) IN GENERAL.—If the amount of the
6 credit under subsection (a) exceeds the limita-
7 tion of paragraph (2) for any calendar quarter,
8 such excess shall be treated as an overpayment
9 that shall be refunded under sections 6402(a)
10 and 6413(b) of such Code.

11 (B) TREATMENT OF PAYMENTS.—For pur-
12 poses of section 1324 of title 31, United States
13 Code, any amounts due to the employer under
14 this paragraph shall be treated in the same
15 manner as a refund due from a credit provision
16 referred to in subsection (b)(2) of such section.

17 (c) DEFINITIONS.—For purposes of this section—

18 (1) ELIGIBLE EMPLOYER.—The term “eligible
19 employer” means an employer—

20 (A) which conducted an active trade or
21 business on January 31, 2020,

22 (B) with respect to which such trade or
23 business is an inoperable trade or business after
24 January 31, 2020 during any calendar quarter,
25 and

1 (C) which had either—

2 (i) no more than 1,500 full-time
3 equivalent employees (as defined in section
4 45R(d)(2) of the Internal Revenue Code of
5 1986) for calendar year 2019, or

6 (ii) no more than \$41.5 million in
7 gross receipts in calendar year 2019.

8 (2) INOPERABLE TRADE OR BUSINESS.—The
9 term “inoperable trade or business” means any
10 trade or business of an eligible employer for which
11 gross receipts for the calendar quarter are less than
12 80 percent of gross receipts for the same calendar
13 quarter for the prior year.

14 (3) QUALIFIED WAGES.—The term “qualified
15 wages” means wages (as defined in section 3121(a)
16 of such Code) or compensation (as defined in section
17 3231(e) of such Code) paid or incurred by an eligi-
18 ble employer with respect to an employee on any day
19 after January 31, 2020 and before December 31,
20 2020 that falls during the designated period, except
21 that such term shall not include any wages taken
22 into account under section 7001 or section 7003 of
23 the Families First Coronavirus Response Act.

24 (4) DESIGNATED PERIOD.—The term “des-
25 ignated period” means the period—

1 (A) beginning in the calendar quarter in
2 which the trade or business became an inoper-
3 able trade or business, and

4 (B) ending in the calendar quarter for
5 which the gross receipts of the trade or busi-
6 ness of the eligible employer are greater than
7 90 percent of gross receipts for the same cal-
8 endar quarter for the prior year.

9 Such term shall include wages paid or incurred with-
10 out regard to whether the employee performs no
11 services, performs services at a different place of em-
12 ployment, or performs services during the period in
13 which the eligible employer is an inoperable trade or
14 business.

15 (d) AGGREGATION RULE.—All persons treated as a
16 single employer under subsection (a) or (b) of section 52
17 of such Code, or subsection (m) or (o) of section 414 of
18 such Code, shall be treated as one eligible employer for
19 purposes of this section.

20 (e) DENIAL OF DOUBLE BENEFIT.—For purposes of
21 chapter 1 of such Code, the gross income of the employer
22 for the taxable year which includes the last day of any
23 calendar quarter with respect to which a credit is allowed
24 under this section shall be increased by the amount of
25 such credit.

1 (f) SPECIAL RULE FOR THIRD-PARTY PAYORS.—Any
2 credit allowed under this section shall be treated as a cred-
3 it described in section 3511(d)(2) of such Code.

4 (g) ELECTION NOT TO HAVE SECTION APPLY.—
5 This section shall not apply with respect to any eligible
6 employer for any calendar quarter if such employer elects
7 (at such time and in such manner as the Secretary of the
8 Treasury (or the Secretary's delegate) may prescribe) not
9 to have this section apply.

10 (h) EMPLOYEE NOT TAKEN INTO ACCOUNT MORE
11 THAN ONCE.—An employee shall not be treated as an em-
12 ployee for purposes of this section for any period with re-
13 spect to any employer if such employer is allowed a credit
14 under section 51 of such Code with respect to such em-
15 ployee for such period.

16 (i) REGULATIONS.—The Secretary of the Treasury
17 (or the Secretary's delegate) shall prescribe such regula-
18 tions or other guidance as may be necessary to carry out
19 the purposes of this section, including—

20 (1) regulations or other guidance providing for
21 waiver of penalties for failure to deposit amounts in
22 anticipation of the allowance of the credit allowed
23 under this section,

1 (2) regulations or other guidance regarding the
2 form and manner for recapturing credits under this
3 section,

4 (3) regulations or other guidance to prevent the
5 avoidance of the purposes of this section,

6 (4) regulations or other guidance describing
7 proper calculation of gross receipts for purposes of
8 subsection (c) for eligible employers that did not op-
9 erate a trade or business in prior calendar quarters,
10 and

11 (5) regulations or other guidance regarding the
12 application of the credit under subsection (a) to
13 third party payors (including professional employer
14 organizations, certified professional employer organi-
15 zations, or agents under section 3504 of such Code),
16 including regulations or other guidance allowing
17 such payors to submit documentation necessary to
18 substantiate the eligible employer status of employ-
19 ers that use such payors.

20 (j) TRANSFERS TO FEDERAL OLD-AGE AND SUR-
21 VIVORS INSURANCE TRUST FUND.—There are hereby ap-
22 propriated to the Federal Old-Age and Survivors Insur-
23 ance Trust Fund and the Federal Disability Insurance
24 Trust Fund established under section 201 of the Social
25 Security Act (42 U.S.C. 401) and the Social Security

1 Equivalent Benefit Account established under section
2 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C.
3 14 231n–1(a)) amounts equal to the reduction in revenues
4 to the Treasury by reason of this section (without regard
5 to this subsection). Amounts appropriated by the pre-
6 ceding sentence shall be transferred from the general fund
7 at such times and in such manner as to replicate to the
8 extent possible the transfers which would have occurred
9 to such Trust Fund or Account had this section not been
10 enacted.

11 **Subtitle G—Credits for Paid Sick** 12 **and Family Leave**

13 **SEC. 261. EXTENSION OF CREDITS.**

14 Sections 7001(g), 7002(e), 7003(g), and 7004(e) of
15 Public Law 116–127 are each amended by striking
16 “2020” and inserting “2021”.

17 **SEC. 262. REPEAL OF REDUCED RATE OF CREDIT FOR CER-** 18 **TAIN LEAVE.**

19 (a) PAYROLL CREDIT.—Section 7001(b) of Public
20 Law 116–127 is amended by striking “\$200 (\$511 in the
21 case of any day any portion of which is paid sick time
22 described in paragraph (1), (2), or (3) of section 5102(a)
23 of the Emergency Paid Sick Leave Act)” and inserting
24 “\$511”.

25 (b) SELF-EMPLOYED CREDIT.—

1 (1) IN GENERAL.—Section 7002(c)(1)(B) of
2 Public Law 116–127 is amended to read as follows:

3 “(B) the lesser of—

4 “(i) \$511, or

5 “(ii) the average daily self-employ-
6 ment income of the individual for the tax-
7 able year.”.

8 (2) CONFORMING AMENDMENT.—Section
9 7002(d)(3) of Public Law 116–127 is amended by
10 striking “\$2,000 (\$5,110 in the case of any day any
11 portion of which is paid sick time described in para-
12 graph (1), (2), or (3) of section 5102(a) of the
13 Emergency Paid Sick Leave Act)” and inserting
14 “\$5,110”.

15 **SEC. 263. FEDERAL, STATE, AND LOCAL GOVERNMENTS AL-**
16 **LOWED TAX CREDITS FOR PAID SICK AND**
17 **PAID FAMILY AND MEDICAL LEAVE.**

18 (a) CREDIT FOR REQUIRED PAID SICK LEAVE.—Sec-
19 tion 7001(e) of Public Law 116–127 is amended by strik-
20 ing paragraph (4).

21 (b) CREDIT FOR REQUIRED PAID FAMILY LEAVE.—
22 Section 7003(e) of Public Law 116–127 is amended by
23 striking paragraph (4).

1 **SEC. 264. CREDITS NOT ALLOWED TO CERTAIN LARGE EM-**
2 **PLOYERS.**

3 (a) CREDIT FOR REQUIRED PAID SICK LEAVE.—

4 (1) IN GENERAL.—Section 7001(a) of Public
5 Law 116–127 is amended by striking “In the case
6 of an employer” and inserting “In the case of an eli-
7 gible employer”.

8 (2) ELIGIBLE EMPLOYER.—Section 7001(c) of
9 Public Law 116–127 is amended by striking “For
10 purposes of this section, the term” and all that pre-
11 ceedes it and inserting the following:

12 “(c) DEFINITIONS.—For purposes of this section—

13 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible
14 employer’ means any employer other an applicable
15 large employer (as defined in section 4980H(c)(2),
16 determined by substituting ‘500’ for ‘50’ each place
17 it appears in subparagraphs (A) and (B) thereof and
18 without regard to subparagraphs (D) and (F) there-
19 of). For purposes of the preceding sentence, the
20 Government of the United States, the government of
21 any State or political subdivision thereof, or any
22 agency or instrumentality of any of the foregoing,
23 shall not be treated as an applicable large employer.

24 “(2) QUALIFIED SICK LEAVE WAGES.—The
25 term”.

26 (b) CREDIT FOR REQUIRED PAID FAMILY LEAVE.—

1 (1) IN GENERAL.—Section 7003(a) of Public
2 Law 116–127 is amended by striking “In the case
3 of an employer” and inserting “In the case of an eli-
4 gible employer”.

5 (2) ELIGIBLE EMPLOYER.—Section 7003(c) of
6 Public Law 116–127 is amended by striking “For
7 purposes of this section, the term” and all that pre-
8 cedes it and inserting the following:

9 “(c) DEFINITIONS.—For purposes of this section—

10 “(1) ELIGIBLE EMPLOYER.—The term ‘eligible
11 employer’ means any employer other an applicable
12 large employer (as defined in section 4980H(c)(2),
13 determined by substituting ‘500’ for ‘50’ each place
14 it appears in subparagraphs (A) and (B) thereof and
15 without regard to subparagraphs (D) and (F) there-
16 of). For purposes of the preceding sentence, the
17 Government of the United States, the government of
18 any State or political subdivision thereof, or any
19 agency or instrumentality of any of the foregoing,
20 shall not be treated as an applicable large employer.

21 “(2) QUALIFIED FAMILY LEAVE WAGES.—The
22 term”.

1 **SEC. 265. EFFECTIVE DATE.**

2 The amendments made by this title shall take effect
3 as if included in the provisions of Public Law 116–127
4 to which they relate.

5 **TITLE III—ADMINISTRATIVE**

6 **SEC. 301. DELAY OF CERTAIN DEADLINES.**

7 (a) **FILING DEADLINES FOR 2019.**—In the case of
8 any return required to be filed for a taxable year ending
9 in 2019, including for purposes of section 6151(a) of the
10 Internal Revenue Code of 1986, section 6072(a) of such
11 Code shall be applied—

- 12 (1) by substituting “July” for “April”, and
13 (2) by substituting “the seventh month” for
14 “the fourth month”.

15 (b) **ESTIMATED TAX PAYMENTS FOR INDIVID-**
16 **UALS.**—

17 (1) **IN GENERAL.**—In the case of an individual,
18 the due date for any required installment under sec-
19 tion 6654 of the Internal Revenue Code of 1986
20 which (but for the application of this section) would
21 be due during the applicable period shall not be due
22 before October 15, 2020, and all such installments
23 shall be treated as one installment due on such date.
24 The Secretary of the Treasury (or the Secretary’s
25 delegate) shall prescribe such regulations or other

1 guidance as may be necessary to carry out the pur-
2 poses of this subsection.

3 (2) APPLICABLE PERIOD.—For purposes of this
4 subsection, the applicable period is the period begin-
5 ning on the date of the enactment of this Act and
6 ending before October 15, 2020.

7 **TITLE IV—RETIREMENT** 8 **PROVISIONS**

9 **SEC. 401. SPECIAL RULES FOR USE OF RETIREMENT** 10 **FUNDS.**

11 (a) TAX-FAVORED WITHDRAWALS FROM RETIRE-
12 MENT PLANS.—

13 (1) IN GENERAL.—Section 72(t) of the Internal
14 Revenue Code of 1986 shall not apply to any
15 coronavirus-related distribution.

16 (2) AGGREGATE DOLLAR LIMITATION.—

17 (A) IN GENERAL.—For purposes of this
18 subsection, the aggregate amount of distribu-
19 tions received by an individual which may be
20 treated as coronavirus-related distributions for
21 any taxable year shall not exceed \$100,000.

22 (B) TREATMENT OF PLAN DISTRIBUTIONS.—If a distribution to an individual would
23 (without regard to subparagraph (A)) be a
24 coronavirus-related distribution, a plan shall not
25

1 be treated as violating any requirement of the
2 Internal Revenue Code of 1986 merely because
3 the plan treats such distribution as a
4 coronavirus-related distribution, unless the ag-
5 gregate amount of such distributions from all
6 plans maintained by the employer (and any
7 member of any controlled group which includes
8 the employer) to such individual exceeds
9 \$100,000.

10 (C) CONTROLLED GROUP.—For purposes
11 of subparagraph (B), the term “controlled
12 group” means any group treated as a single
13 employer under subsection (b), (c), (m), or (o)
14 of section 414 of the Internal Revenue Code of
15 1986.

16 (3) AMOUNT DISTRIBUTED MAY BE REPAYED.—

17 (A) IN GENERAL.—Any individual who re-
18 ceives a coronavirus-related distribution may, at
19 any time during the 3-year period beginning on
20 the day after the date on which such distribu-
21 tion was received, make 1 or more contributions
22 in an aggregate amount not to exceed the
23 amount of such distribution to an eligible retire-
24 ment plan of which such individual is a bene-
25 ficiary and to which a rollover contribution of

1 such distribution could be made under section
2 402(c), 403(a)(4), 403(b)(8), 408(d)(3), or
3 457(e)(16), of the Internal Revenue Code of
4 1986, as the case may be.

5 (B) TREATMENT OF REPAYMENTS OF DIS-
6 TRIBUTIONS FROM ELIGIBLE RETIREMENT
7 PLANS OTHER THAN IRAS.—For purposes of
8 the Internal Revenue Code of 1986, if a con-
9 tribution is made pursuant to subparagraph (A)
10 with respect to a coronavirus-related distribu-
11 tion from an eligible retirement plan other than
12 an individual retirement plan, then the taxpayer
13 shall, to the extent of the amount of the con-
14 tribution, be treated as having received the
15 coronavirus-related distribution in an eligible
16 rollover distribution (as defined in section
17 402(c)(4) of such Code) and as having trans-
18 ferred the amount to the eligible retirement
19 plan in a direct trustee to trustee transfer with-
20 in 60 days of the distribution.

21 (C) TREATMENT OF REPAYMENTS OF DIS-
22 TRIBUTIONS FROM IRAS.—For purposes of the
23 Internal Revenue Code of 1986, if a contribu-
24 tion is made pursuant to subparagraph (A)
25 with respect to a coronavirus-related distribu-

1 tion from an individual retirement plan (as de-
2 fined by section 7701(a)(37) of such Code),
3 then, to the extent of the amount of the con-
4 tribution, the coronavirus-related distribution
5 shall be treated as a distribution described in
6 section 408(d)(3) of such Code and as having
7 been transferred to the eligible retirement plan
8 in a direct trustee to trustee transfer within 60
9 days of the distribution.

10 (4) DEFINITIONS.—For purposes of this sub-
11 section—

12 (A) CORONAVIRUS-RELATED DISTRIBU-
13 TION.—Except as provided in paragraph (2),
14 the term “coronavirus-related distribution”
15 means any distribution from an eligible retire-
16 ment plan made—

17 (i) on or after January 1, 2020, and
18 before December 31, 2020,

19 (ii) to an individual—

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

1 (II) whose spouse or dependent
2 (as defined in section 152 of the In-
3 ternal Revenue Code of 1986) is diag-
4 nosed with such virus or disease by
5 such a test, or

6 (III) who experiences adverse fi-
7 nancial consequences as a result of
8 being quarantined, being furloughed
9 or laid off or having work hours re-
10 duced due to such virus or disease,
11 being unable to work due to lack of
12 child care due to such virus or dis-
13 ease, closing or reducing hours of a
14 business owned or operated by the in-
15 dividual due to such virus or disease,
16 or other factors as determined by the
17 Secretary of the Treasury (or the Sec-
18 retary's delegate).

19 (B) EMPLOYEE CERTIFICATION.—The ad-
20 ministrator of an eligible retirement plan may
21 rely on an employee's certification that the em-
22 ployee satisfies the conditions of subparagraph
23 (A)(ii) in determining whether any distribution
24 is a coronavirus-related distribution.

1 (C) ELIGIBLE RETIREMENT PLAN.—The
2 term “eligible retirement plan” has the meaning
3 given such term by section 402(c)(8)(B) of the
4 Internal Revenue Code of 1986.

5 (5) INCOME INCLUSION SPREAD OVER 3-YEAR
6 PERIOD.—

7 (A) IN GENERAL.—In the case of any
8 coronavirus-related distribution, unless the tax-
9 payer elects not to have this paragraph apply
10 for any taxable year, any amount required to be
11 included in gross income for such taxable year
12 shall be so included ratably over the 3-taxable-
13 year period beginning with such taxable year.

14 (B) SPECIAL RULE.—For purposes of sub-
15 paragraph (A), rules similar to the rules of sub-
16 paragraph (E) of section 408A(d)(3) of the In-
17 ternal Revenue Code of 1986 shall apply.

18 (6) SPECIAL RULES.—

19 (A) EXEMPTION OF DISTRIBUTIONS FROM
20 TRUSTEE TO TRUSTEE TRANSFER AND WITH-
21 HOLDING RULES.—For purposes of sections
22 401(a)(31), 402(f), and 3405 of the Internal
23 Revenue Code of 1986, coronavirus-related dis-
24 tributions shall not be treated as eligible roll-
25 over distributions.

1 (B) CORONAVIRUS-RELATED DISTRIBU-
2 TIONS TREATED AS MEETING PLAN DISTRIBU-
3 TION REQUIREMENTS.—For purposes of the In-
4 ternal Revenue Code of 1986, a coronavirus-re-
5 lated distribution shall be treated as meeting
6 the requirements of sections 401(k)(2)(B)(i),
7 403(b)(7)(A)(i), 403(b)(11), and 457(d)(1)(A)
8 of such Code.

9 (b) LOANS FROM QUALIFIED PLANS.—

10 (1) INCREASE IN LIMIT ON LOANS NOT TREAT-
11 ED AS DISTRIBUTIONS.—In the case of any loan
12 from a qualified employer plan (as defined under
13 section 72(p)(4) of the Internal Revenue Code of
14 1986) to a qualified individual made during the 180-
15 day period beginning on the date of the enactment
16 of this Act—

17 (A) clause (i) of section 72(p)(2)(A) of
18 such Code shall be applied by substituting
19 “\$100,000” for “\$50,000”, and

20 (B) clause (ii) of such section shall be ap-
21 plied by substituting “the present value of the
22 nonforfeitable accrued benefit of the employee
23 under the plan” for “one-half of the present
24 value of the nonforfeitable accrued benefit of
25 the employee under the plan”.

1 (2) DELAY OF REPAYMENT.—In the case of a
2 qualified individual with an outstanding loan (on or
3 after the date of the enactment of this Act) from a
4 qualified employer plan (as defined in section
5 72(p)(4) of the Internal Revenue Code of 1986)—

6 (A) if the due date pursuant to subpara-
7 graph (B) or (C) of section 72(p)(2) of such
8 Code for any repayment with respect to such
9 loan occurs during the period beginning on the
10 date of the enactment of this Act and ending on
11 December 31, 2020, such due date shall be de-
12 layed for 1 year (or, if later, until the date
13 which is 180 days after the date of the enact-
14 ment of this Act),

15 (B) any subsequent repayments with re-
16 spect to any such loan shall be appropriately
17 adjusted to reflect the delay in the due date
18 under subparagraph (A) and any interest accru-
19 ing during such delay, and

20 (C) in determining the 5-year period and
21 the term of a loan under subparagraph (B) or
22 (C) of section 72(p)(2) of such Code, the period
23 described in subparagraph (A) of this para-
24 graph shall be disregarded.

1 (3) QUALIFIED INDIVIDUAL.—For purposes of
2 this subsection, the term “qualified individual”
3 means any individual who is described in subsection
4 (a)(4)(A)(ii).

5 (c) PROVISIONS RELATING TO PLAN AMEND-
6 MENTS.—

7 (1) IN GENERAL.—If this subsection applies to
8 any amendment to any plan or annuity contract,
9 such plan or contract shall be treated as being oper-
10 ated in accordance with the terms of the plan during
11 the period described in paragraph (2)(B)(i).

12 (2) AMENDMENTS TO WHICH SUBSECTION AP-
13 PLIES.—

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

17 (i) pursuant to any provision of this
18 section, or pursuant to any regulation
19 issued by the Secretary of the Treasury or
20 the Secretary of Labor (or the delegate of
21 either such Secretary) under any provision
22 of this section, and

23 (ii) on or before the last day of the
24 first plan year beginning on or after Janu-
25 ary 1, 2022, or such later date as the Sec-

1 retary of the Treasury (or the Secretary's
2 delegate) may prescribe.

3 In the case of a governmental plan (as defined
4 in section 414(d) of the Internal Revenue Code
5 of 1986), clause (ii) shall be applied by sub-
6 stituting the date which is 2 years after the
7 date otherwise applied under clause (ii).

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

10 (i) during the period—

11 (I) beginning on the date that
12 this section or the regulation de-
13 scribed in subparagraph (A)(i) takes
14 effect (or in the case of a plan or con-
15 tract amendment not required by this
16 section or such regulation, the effec-
17 tive date specified by the plan), and

18 (II) ending on the date described
19 in subparagraph (A)(ii) (or, if earlier,
20 the date the plan or contract amend-
21 ment is adopted),

22 the plan or contract is operated as if such
23 plan or contract amendment were in effect,
24 and

1 (ii) such plan or contract amendment
2 applies retroactively for such period.

3 **SEC. 402. SINGLE-EMPLOYER PLAN FUNDING RULES.**

4 (a) DELAY IN PAYMENT OF MINIMUM REQUIRED
5 CONTRIBUTIONS.—In the case of any minimum required
6 contribution (as determined under section 430(a) of the
7 Internal Revenue Code of 1986 and section 303(a) of the
8 Employee Retirement Income Security Act of 1974 (29
9 U.S.C. 1083(a))) which (but for this section) would other-
10 wise be due under section 430(j) of such Code (including
11 quarterly contributions under paragraph (3) thereof) and
12 section 303(j) of such Act (29 U.S.C. 1083(j)) (including
13 quarterly contributions under paragraph (3) thereof) dur-
14 ing calendar year 2020—

15 (1) such contributions shall not be required to
16 be made until January 1, 2021, and

17 (2) the amount of each such minimum required
18 contribution shall be increased by interest accruing
19 for the period between the original due date (without
20 regard to this section) for the contribution and the
21 payment date, at the effective rate of interest for the
22 plan for the plan year which includes such payment
23 date.

24 (b) BENEFIT RESTRICTION STATUS.—For purposes
25 of section 436 of the Internal Revenue Code of 1986 and

1 section 206(g) of the Employee Retirement Income Secu-
2 rity Act of 1974 (29 U.S.C. 1056(g)), a plan sponsor may
3 elect to treat the plan’s adjusted funding target attain-
4 ment percentage for the last plan year ending before Janu-
5 ary 1, 2020, as the adjusted funding target attainment
6 percentage for plan years which include calendar year
7 2020.

8 **SEC. 403. TEMPORARY WAIVER OF REQUIRED MINIMUM**
9 **DISTRIBUTION RULES FOR CERTAIN RETIRE-**
10 **MENT PLANS AND ACCOUNTS.**

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

14 “(I) TEMPORARY WAIVER OF MINIMUM RE-
15 QUIRED DISTRIBUTION.—

16 “(i) IN GENERAL.—The requirements
17 of this paragraph shall not apply for cal-
18 endar year 2020 to—

19 “(I) a defined contribution plan
20 which is described in this subsection
21 or in section 403(a) or 403(b),

22 “(II) a defined contribution plan
23 which is an eligible deferred com-
24 pensation plan described in section
25 457(b) but only if such plan is main-

1 tained by an employer described in
2 section 457(e)(1)(A), or

3 “(III) an individual retirement
4 plan.

5 “(ii) SPECIAL RULE FOR REQUIRED
6 BEGINNING DATES IN 2020.—Clause (i)
7 shall apply to any distribution which is re-
8 quired to be made in calendar year 2020
9 by reason of—

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

12 “(II) such distribution not having
13 been made before January 1, 2020.

14 “(iii) SPECIAL RULES REGARDING
15 WAIVER PERIOD.—For purposes of this
16 paragraph—

17 “(I) the required beginning date
18 with respect to any individual shall be
19 determined without regard to this
20 subparagraph for purposes of applying
21 this paragraph for calendar years
22 after 2020,

23 “(II) if clause (ii) of subpara-
24 graph (B) applies, the 5-year period
25 described in such clause shall be de-

1 terminated without regard to calendar
2 year 2020,

3 “**(III)** if clause (iii) of subpara-
4 graph (E) applies, the 10-year period
5 described in such clause shall be de-
6 termined without regard to calendar
7 year 2020, and

8 “**(IV)** if clause (i) of subpara-
9 graph (H) applies, the 10-year period
10 described in such clause shall be de-
11 termined without regard to calendar
12 year 2020.”.

13 **(b) ELIGIBLE ROLLOVER DISTRIBUTIONS.**—Section
14 402(c)(4) of the Internal Revenue Code of 1986 is amend-
15 ed by striking “2009” each place it appears in the last
16 sentence and inserting “2020”.

17 **(c) EFFECTIVE DATES.**—

18 **(1) IN GENERAL.**—The amendments made by
19 this section shall apply for calendar years beginning
20 after December 31, 2019.

21 **(2) PROVISIONS RELATING TO PLAN OR CON-**
22 **TRACT AMENDMENTS.**—

23 **(A) IN GENERAL.**—If this paragraph ap-
24 plies to any pension plan or contract amend-
25 ment, such pension plan or contract shall not

1 fail to be treated as being operated in accord-
2 ance with the terms of the plan during the pe-
3 riod described in subparagraph (B)(ii) solely be-
4 cause the plan operates in accordance with this
5 section.

6 (B) AMENDMENTS TO WHICH PARAGRAPH
7 APPLIES.—

8 (i) IN GENERAL.—This paragraph
9 shall apply to any amendment to any pen-
10 sion plan or annuity contract which—

11 (I) is made pursuant to the
12 amendments made by this section,
13 and

14 (II) is made on or before the last
15 day of the first plan year beginning
16 on or after January 1, 2022.

17 In the case of a governmental plan, sub-
18 clause (II) shall be applied by substituting
19 “2024” for “2022”.

20 (ii) CONDITIONS.—This paragraph
21 shall not apply to any amendment unless
22 during the period beginning on the effec-
23 tive date of the amendment and ending on
24 December 31, 2020, the plan or contract is

1 operated as if such plan or contract
2 amendment were in effect.

3 **SEC. 404. MODIFICATION OF SPECIAL RULES FOR MINIMUM**
4 **FUNDING STANDARDS FOR COMMUNITY**
5 **NEWSPAPER PLANS.**

6 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
7 1986.—Subsection (m) of section 430 of the Internal Rev-
8 enue Code of 1986, as added by the Setting Every Com-
9 munity Up for Retirement Enhancement Act of 2019, is
10 amended to read as follows:

11 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
12 PLANS.—

13 “(1) IN GENERAL.—An eligible newspaper plan
14 sponsor of a plan under which no participant has
15 had the participant’s accrued benefit increased
16 (whether because of service or compensation) after
17 April 2, 2019, may elect to have the alternative
18 standards described in paragraph (4) apply to such
19 plan.

20 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
21 The term ‘eligible newspaper plan sponsor’ means
22 the plan sponsor of—

23 “(A) any community newspaper plan, or

24 “(B) any other plan sponsored, as of April
25 2, 2019, by a member of the same controlled

1 group of a plan sponsor of a community news-
2 paper plan if such member is in the trade or
3 business of publishing 1 or more newspapers.

4 “(3) ELECTION.—An election under paragraph
5 (1) shall be made at such time and in such manner
6 as prescribed by the Secretary. Such election, once
7 made with respect to a plan year, shall apply to all
8 subsequent plan years unless revoked with the con-
9 sent of the Secretary.

10 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
11 ARDS.—The alternative standards described in this
12 paragraph are the following:

13 “(A) INTEREST RATES.—

14 “(i) IN GENERAL.—Notwithstanding
15 subsection (h)(2)(C) and except as pro-
16 vided in clause (ii), the first, second, and
17 third segment rates in effect for any
18 month for purposes of this section shall be
19 8 percent.

20 “(ii) NEW BENEFIT ACCRUALS.—Not-
21 withstanding subsection (h)(2), for pur-
22 poses of determining the funding target
23 and normal cost of a plan for any plan
24 year, the present value of any benefits ac-
25 crued or earned under the plan for a plan

1 year with respect to which an election
2 under paragraph (1) is in effect shall be
3 determined on the basis of the United
4 States Treasury obligation yield curve for
5 the day that is the valuation date of such
6 plan for such plan year.

7 “(iii) UNITED STATES TREASURY OB-
8 LIGATION YIELD CURVE.—For purposes of
9 this subsection, the term ‘United States
10 Treasury obligation yield curve’ means,
11 with respect to any day, a yield curve
12 which shall be prescribed by the Secretary
13 for such day on interest-bearing obligations
14 of the United States.

15 “(B) SHORTFALL AMORTIZATION BASE.—

16 “(i) PREVIOUS SHORTFALL AMORTIZA-
17 TION BASES.—The shortfall amortization
18 bases determined under subsection (c)(3)
19 for all plan years preceding the first plan
20 year to which the election under paragraph
21 (1) applies (and all shortfall amortization
22 installments determined with respect to
23 such bases) shall be reduced to zero under
24 rules similar to the rules of subsection
25 (c)(6).

1 “(ii) NEW SHORTFALL AMORTIZATION
2 BASE.—Notwithstanding subsection (c)(3),
3 the shortfall amortization base for the first
4 plan year to which the election under para-
5 graph (1) applies shall be the funding
6 shortfall of such plan for such plan year
7 (determined using the interest rates as
8 modified under subparagraph (A)).

9 “(C) DETERMINATION OF SHORTFALL AM-
10 ORTIZATION INSTALLMENTS.—

11 “(i) 30-YEAR PERIOD.—Subpara-
12 graphs (A) and (B) of subsection (c)(2)
13 shall be applied by substituting ‘30-plan-
14 year’ for ‘7-plan-year’ each place it ap-
15 pears.

16 “(ii) NO SPECIAL ELECTION.—The
17 election under subparagraph (D) of sub-
18 section (c)(2) shall not apply to any plan
19 year to which the election under paragraph
20 (1) applies.

21 “(D) EXEMPTION FROM AT-RISK TREAT-
22 MENT.—Subsection (i) shall not apply.

23 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
24 poses of this subsection—

1 “(A) IN GENERAL.—The term ‘community
2 newspaper plan’ means any plan to which this
3 section applies maintained as of December 31,
4 2018, by an employer which—

5 “(i) maintains the plan on behalf of
6 participants and beneficiaries with respect
7 to employment in the trade or business of
8 publishing 1 or more newspapers which
9 were published by the employer at any
10 time during the 11-year period ending on
11 the date of the enactment of this sub-
12 section,

13 “(ii)(I) is not a company the stock of
14 which is publicly traded (on a stock ex-
15 change or in an over-the-counter market),
16 and is not controlled, directly or indirectly,
17 by such a company, or

18 “(II) is controlled, directly or indi-
19 rectly, during the entire 30-year period
20 ending on the date of the enactment of this
21 subsection by individuals who are members
22 of the same family, and does not publish or
23 distribute a daily newspaper that is car-
24 rier-distributed in printed form in more
25 than 5 States, and

1 “(iii) is controlled, directly or indi-
2 rectly—

3 “(I) by 1 or more persons resid-
4 ing primarily in a State in which the
5 community newspaper has been pub-
6 lished on newsprint or carrier-distrib-
7 uted,

8 “(II) during the entire 30-year
9 period ending on the date of the en-
10 actment of this subsection by individ-
11 uals who are members of the same
12 family,

13 “(III) by 1 or more trusts, the
14 sole trustees of which are persons de-
15 scribed in subclause (I) or (II), or

16 “(IV) by a combination of per-
17 sons described in subclause (I), (II),
18 or (III).

19 “(B) NEWSPAPER.—The term ‘newspaper’
20 does not include any newspaper (determined
21 without regard to this subparagraph) to which
22 any of the following apply:

23 “(i) Is not in general circulation.

1 “(ii) Is published (on newsprint or
2 electronically) less frequently than 3 times
3 per week.

4 “(iii) Has not ever been regularly
5 published on newsprint.

6 “(iv) Does not have a bona fide list of
7 paid subscribers.

8 “(C) CONTROL.—A person shall be treated
9 as controlled by another person if such other
10 person possesses, directly or indirectly, the
11 power to direct or cause the direction and man-
12 agement of such person (including the power to
13 elect a majority of the members of the board of
14 directors of such person) through the ownership
15 of voting securities.

16 “(6) CONTROLLED GROUP.—For purposes of
17 this subsection, the term ‘controlled group’ means all
18 persons treated as a single employer under sub-
19 section (b), (c), (m), or (o) of section 414 as of the
20 date of the enactment of this subsection.”.

21 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
22 COME SECURITY ACT OF 1974.—Subsection (m) of section
23 303 of the Employee Retirement Income Security Act of
24 1974 (29 U.S.C. 1083(m)), as added by the Setting Every

1 Community Up for Retirement Enhancement Act of 2019,
2 is amended to read as follows:

3 “(m) SPECIAL RULES FOR COMMUNITY NEWSPAPER
4 PLANS.—

5 “(1) IN GENERAL.—An eligible newspaper plan
6 sponsor of a plan under which no participant has
7 had the participant’s accrued benefit increased
8 (whether because of service or compensation) after
9 April 2, 2019, may elect to have the alternative
10 standards described in paragraph (4) apply to such
11 plan.

12 “(2) ELIGIBLE NEWSPAPER PLAN SPONSOR.—
13 The term ‘eligible newspaper plan sponsor’ means
14 the plan sponsor of—

15 “(A) any community newspaper plan, or

16 “(B) any other plan sponsored, as of April
17 2, 2019, by a member of the same controlled
18 group of a plan sponsor of a community news-
19 paper plan if such member is in the trade or
20 business of publishing 1 or more newspapers.

21 “(3) ELECTION.—An election under paragraph
22 (1) shall be made at such time and in such manner
23 as prescribed by the Secretary of the Treasury. Such
24 election, once made with respect to a plan year, shall

1 apply to all subsequent plan years unless revoked
2 with the consent of the Secretary of the Treasury.

3 “(4) ALTERNATIVE MINIMUM FUNDING STAND-
4 ARDS.—The alternative standards described in this
5 paragraph are the following:

6 “(A) INTEREST RATES.—

7 “(i) IN GENERAL.—Notwithstanding
8 subsection (h)(2)(C) and except as pro-
9 vided in clause (ii), the first, second, and
10 third segment rates in effect for any
11 month for purposes of this section shall be
12 8 percent.

13 “(ii) NEW BENEFIT ACCRUALS.—Not-
14 withstanding subsection (h)(2), for pur-
15 poses of determining the funding target
16 and normal cost of a plan for any plan
17 year, the present value of any benefits ac-
18 crued or earned under the plan for a plan
19 year with respect to which an election
20 under paragraph (1) is in effect shall be
21 determined on the basis of the United
22 States Treasury obligation yield curve for
23 the day that is the valuation date of such
24 plan for such plan year.

1 “(iii) UNITED STATES TREASURY OB-
2 LIGATION YIELD CURVE.—For purposes of
3 this subsection, the term ‘United States
4 Treasury obligation yield curve’ means,
5 with respect to any day, a yield curve
6 which shall be prescribed by the Secretary
7 of the Treasury for such day on interest-
8 bearing obligations of the United States.

9 “(B) SHORTFALL AMORTIZATION BASE.—

10 “(i) PREVIOUS SHORTFALL AMORTIZA-
11 TION BASES.—The shortfall amortization
12 bases determined under subsection (c)(3)
13 for all plan years preceding the first plan
14 year to which the election under paragraph
15 (1) applies (and all shortfall amortization
16 installments determined with respect to
17 such bases) shall be reduced to zero under
18 rules similar to the rules of subsection
19 (c)(6).

20 “(ii) NEW SHORTFALL AMORTIZATION
21 BASE.—Notwithstanding subsection (c)(3),
22 the shortfall amortization base for the first
23 plan year to which the election under para-
24 graph (1) applies shall be the funding
25 shortfall of such plan for such plan year

1 (determined using the interest rates as
2 modified under subparagraph (A)).

3 “(C) DETERMINATION OF SHORTFALL AM-
4 ORTIZATION INSTALLMENTS.—

5 “(i) 30-YEAR PERIOD.—Subpara-
6 graphs (A) and (B) of subsection (c)(2)
7 shall be applied by substituting ‘30-plan-
8 year’ for ‘7-plan-year’ each place it ap-
9 pears.

10 “(ii) NO SPECIAL ELECTION.—The
11 election under subparagraph (D) of sub-
12 section (c)(2) shall not apply to any plan
13 year to which the election under paragraph
14 (1) applies.

15 “(D) EXEMPTION FROM AT-RISK TREAT-
16 MENT.—Subsection (i) shall not apply.

17 “(5) COMMUNITY NEWSPAPER PLAN.—For pur-
18 poses of this subsection—

19 “(A) IN GENERAL.—The term ‘community
20 newspaper plan’ means a plan to which this sec-
21 tion applies maintained as of December 31,
22 2018, by an employer which—

23 “(i) maintains the plan on behalf of
24 participants and beneficiaries with respect
25 to employment in the trade or business of

1 publishing 1 or more newspapers which
2 were published by the employer at any
3 time during the 11-year period ending on
4 the date of the enactment of this sub-
5 section,

6 “(ii)(I) is not a company the stock of
7 which is publicly traded (on a stock ex-
8 change or in an over-the-counter market),
9 and is not controlled, directly or indirectly,
10 by such a company, or

11 “(II) is controlled, directly, or indi-
12 rectly, during the entire 30-year period
13 ending on the date of the enactment of this
14 subsection by individuals who are members
15 of the same family, and does not publish or
16 distribute a daily newspaper that is car-
17 rier-distributed in printed form in more
18 than 5 States, and

19 “(iii) is controlled, directly, or indi-
20 rectly—

21 “(I) by 1 or more persons resid-
22 ing primarily in a State in which the
23 community newspaper has been pub-
24 lished on newsprint or carrier-distrib-
25 uted,

1 “(II) during the entire 30-year
2 period ending on the date of the en-
3 actment of this subsection by individ-
4 uals who are members of the same
5 family,

6 “(III) by 1 or more trusts, the
7 sole trustees of which are persons de-
8 scribed in subclause (I) or (II), or

9 “(IV) by a combination of per-
10 sons described in subclause (I), (II),
11 or (III).

12 “(B) NEWSPAPER.—The term ‘newspaper’
13 does not include any newspaper (determined
14 without regard to this subparagraph) to which
15 any of the following apply:

16 “(i) Is not in general circulation.

17 “(ii) Is published (on newsprint or
18 electronically) less frequently than 3 times
19 per week.

20 “(iii) Has not ever been regularly
21 published on newsprint.

22 “(iv) Does not have a bona fide list of
23 paid subscribers.

24 “(C) CONTROL.—A person shall be treated
25 as controlled by another person if such other

1 person possesses, directly or indirectly, the
2 power to direct or cause the direction and man-
3 agement of such person (including the power to
4 elect a majority of the members of the board of
5 directors of such person) through the ownership
6 of voting securities.

7 “(6) CONTROLLED GROUP.—For purposes of
8 this subsection, the term ‘controlled group’ means all
9 persons treated as a single employer under sub-
10 section (b), (c), (m), or (o) of section 414 of the In-
11 ternal Revenue Code of 1986 as of the date of the
12 enactment of this subsection.

13 “(7) EFFECT ON PREMIUM RATE CALCULA-
14 TION.—Notwithstanding any other provision of law
15 or any regulation issued by the Pension Benefit
16 Guaranty Corporation, in the case of a plan for
17 which an election is made to apply the alternative
18 standards described in paragraph (3), the additional
19 premium under section 4006(a)(3)(E) shall be deter-
20 mined as if such election had not been made.”.

21 (c) EFFECTIVE DATE.—The amendments made by
22 this section shall apply to plan years ending after Decem-
23 ber 31, 2017.

1 **SEC. 405. APPLICATION OF COOPERATIVE AND SMALL EM-**
2 **PLOYER CHARITY PENSION PLAN RULES TO**
3 **CERTAIN CHARITABLE EMPLOYERS WHOSE**
4 **PRIMARY EXEMPT PURPOSE IS PROVIDING**
5 **SERVICES WITH RESPECT TO MOTHERS AND**
6 **CHILDREN.**

7 (a) EMPLOYEE RETIREMENT INCOME SECURITY ACT
8 OF 1974.—Section 210(f)(1) of the Employee Retirement
9 Income Security Act of 1974 (29 U.S.C. 1060(f)(1)) is
10 amended—

11 (1) by striking “or” at the end of subparagraph
12 (B);

13 (2) by striking the period at the end of sub-
14 paragraph (C)(iv) and inserting “; or”; and

15 (3) by inserting after subparagraph (C) the fol-
16 lowing new subparagraph:

17 “(D) that, as of January 1, 2000, was
18 maintained by an employer—

19 “(i) described in section 501(e)(3) of
20 the Internal Revenue Code of 1986,

21 “(ii) who has been in existence since
22 at least 1938,

23 “(iii) who conducts medical research
24 directly or indirectly through grant mak-
25 ing, and

1 “(iv) whose primary exempt purpose
2 is to provide services with respect to moth-
3 ers and children.”.

4 (b) INTERNAL REVENUE CODE OF 1986.—Section
5 414(y)(1) of the Internal Revenue Code of 1986 is amend-
6 ed—

7 (1) by striking “or” at the end of subparagraph
8 (B);

9 (2) by striking the period at the end of sub-
10 paragraph (C)(iv) and inserting “; or”; and

11 (3) by inserting after subparagraph (C) the fol-
12 lowing new subparagraph:

13 “(D) that, as of January 1, 2000, was
14 maintained by an employer—

15 “(i) described in section 501(c)(3),

16 “(ii) who has been in existence since
17 at least 1938,

18 “(iii) who conducts medical research
19 directly or indirectly through grant mak-
20 ing, and

21 “(iv) whose primary exempt purpose
22 is to provide services with respect to moth-
23 ers and children.”.

1 (c) EFFECTIVE DATE.—The amendments made by
2 this section shall apply to plan years beginning after De-
3 cember 31, 2018.

4 **SEC. 406. EXTENDED AMORTIZATION FOR SINGLE EM-**
5 **PLOYER PLANS.**

6 (a) 15-YEAR AMORTIZATION UNDER THE INTERNAL
7 REVENUE CODE OF 1986.—Section 430(c) of the Internal
8 Revenue Code of 1986 is amended by adding at the end
9 the following new paragraph:

10 “(8) 15-YEAR AMORTIZATION.—With respect to
11 plan years beginning after December 31, 2019—

12 “(A) the shortfall amortization bases for
13 all plan years preceding the first plan year be-
14 ginning after December 31, 2019 (and all
15 shortfall amortization installments determined
16 with respect to such bases) shall be reduced to
17 zero, and

18 “(B) subparagraphs (A) and (B) of para-
19 graph (2) shall each be applied by substituting
20 ‘15-plan-year period’ for ‘7-plan-year period’.”.

21 (b) 15-YEAR AMORTIZATION UNDER THE EMPLOYEE
22 RETIREMENT INCOME SECURITY ACT OF 1974.—Section
23 303(c) of the Employee Retirement Income Security Act
24 of 1974 (29 U.S.C. 1083(c)) is amended by adding at the
25 end the following new paragraph:

1 “(8) 15-YEAR AMORTIZATION.—With respect to
2 plan years beginning after December 31, 2019—

3 “(A) the shortfall amortization bases for
4 all plan years preceding the first plan year be-
5 ginning after December 31, 2019 (and all
6 shortfall amortization installments determined
7 with respect to such bases) shall be reduced to
8 zero, and

9 “(B) subparagraphs (A) and (B) of para-
10 graph (2) shall each be applied by substituting
11 ‘15-plan-year period’ for ‘7-plan-year period’.”.

12 (c) EFFECTIVE DATE.—The amendments made by
13 this section shall apply to plan years beginning after De-
14 cember 31, 2019.

15 **SEC. 407. EXTENSION OF PENSION FUNDING STABILIZA-**
16 **TION PERCENTAGES FOR SINGLE EMPLOYER**
17 **PLANS.**

18 (a) AMENDMENTS TO INTERNAL REVENUE CODE OF
19 1986.—

20 (1) IN GENERAL.—The table contained in sub-
21 clause (II) of section 430(h)(2)(C)(iv) of the Inter-
22 nal Revenue Code of 1986 is amended to read as fol-
23 lows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

1 (2) FLOOR ON 25-YEAR AVERAGES.—Subclause
 2 (I) of section 430(h)(2)(C)(iv) of such Code is
 3 amended by adding at the end the following: “Not-
 4 withstanding anything in this subclause, if the aver-
 5 age of the first, second, or third segment rate for
 6 any 25-year period is less than 5 percent, such aver-
 7 age shall be deemed to be 5 percent.”.

8 (b) AMENDMENTS TO EMPLOYEE RETIREMENT IN-
 9 COME SECURITY ACT OF 1974.—

10 (1) IN GENERAL.—The table contained in sub-
 11 clause (II) of section 303(h)(2)(C)(iv) of the Em-
 12 ployee Retirement Income Security Act of 1974 (29
 13 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended to read as
 14 follows:

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
Any year in the period starting in 2012 and ending in 2019	90%	110%
Any year in the period starting in 2020 and ending in 2025	95%	105%

“If the calendar year is:	The applica- ble min- imum per- centage is:	The applica- ble max- imum per- centage is:
2026	90%	110%
2027	85%	115%
2028	80%	120%
2029	75%	125%
After 2029	70%	130%.”.

1 (2) CONFORMING AMENDMENTS.—

2 (A) IN GENERAL.—Section 101(f)(2)(D) of
3 such Act (29 U.S.C. 1021(f)(2)(D)) is amend-
4 ed—

5 (i) in clause (i) by striking “and the
6 Bipartisan Budget Act of 2015” both
7 places it appears and inserting “, the Bi-
8 partisan Budget Act of 2015, and the
9 Emergency Pension Plan Relief Act of
10 2020”, and

11 (ii) in clause (ii) by striking “2023”
12 and inserting “2029”.

13 (B) STATEMENTS.—The Secretary of
14 Labor shall modify the statements required
15 under subclauses (I) and (II) of section
16 101(f)(2)(D)(i) of such Act to conform to the
17 amendments made by this section.

18 (3) FLOOR ON 25-YEAR AVERAGES.—Subclause
19 (I) of section 303(h)(2)(C)(iv) of such Act (29
20 U.S.C. 1083(h)(2)(C)(iv)(II)) is amended by adding

1 at the end the following: “Notwithstanding anything
2 in this subclause, if the average of the first, second,
3 or third segment rate for any 25-year period is less
4 than 5 percent, such average shall be deemed to be
5 5 percent.”.

6 (c) EFFECTIVE DATE.—The amendments made by
7 this section shall apply with respect to plan years begin-
8 ning after December 31, 2019.

9 **TITLE V—REHABILITATION FOR** 10 **MULTIEMPLOYER PENSIONS**

11 **SEC. 501. SHORT TITLE.**

12 This title may be cited as the “Rehabilitation for
13 Multiemployer Pensions Act of 2020”.

14 **SEC. 502. PENSION REHABILITATION ADMINISTRATION; ES-** 15 **TABLISHMENT; POWERS.**

16 (a) ESTABLISHMENT.—There is established in the
17 Department of the Treasury an agency to be known as
18 the “Pension Rehabilitation Administration”.

19 (b) DIRECTOR.—

20 (1) ESTABLISHMENT OF POSITION.—There
21 shall be at the head of the Pension Rehabilitation
22 Administration a Director, who shall be appointed
23 by the President.

24 (2) TERM.—

1 (A) IN GENERAL.—The term of office of
2 the Director shall be 5 years.

3 (B) SERVICE UNTIL APPOINTMENT OF
4 SUCCESSOR.—An individual serving as Director
5 at the expiration of a term may continue to
6 serve until a successor is appointed.

7 (3) POWERS.—

8 (A) APPOINTMENT OF DEPUTY DIREC-
9 TORS, OFFICERS, AND EMPLOYEES.—The Di-
10 rector may appoint Deputy Directors, officers,
11 and employees, including attorneys, in accord-
12 ance with chapter 51 and subchapter III of
13 chapter 53 of title 5, United States Code.

14 (B) CONTRACTING.—

15 (i) IN GENERAL.—The Director may
16 contract for financial and administrative
17 services (including those related to budget
18 and accounting, financial reporting, per-
19 sonnel, and procurement) with the General
20 Services Administration, or such other
21 Federal agency as the Director determines
22 appropriate, for which payment shall be
23 made in advance, or by reimbursement,
24 from funds of the Pension Rehabilitation
25 Administration in such amounts as may be

1 agreed upon by the Director and the head
2 of the Federal agency providing the serv-
3 ices.

4 (ii) SUBJECT TO APPROPRIATIONS.—
5 Contract authority under clause (i) shall be
6 effective for any fiscal year only to the ex-
7 tent that appropriations are available for
8 that purpose.

9 **SEC. 503. PENSION REHABILITATION TRUST FUND.**

10 (a) IN GENERAL.—Subchapter A of chapter 98 of the
11 Internal Revenue Code of 1986 is amended by adding at
12 the end the following new section:

13 **“SEC. 9512. PENSION REHABILITATION TRUST FUND.**

14 “(a) CREATION OF TRUST FUND.—There is estab-
15 lished in the Treasury of the United States a trust fund
16 to be known as the ‘Pension Rehabilitation Trust Fund’
17 (hereafter in this section referred to as the ‘Fund’), con-
18 sisting of such amounts as may be appropriated or cred-
19 ited to the Fund as provided in this section and section
20 9602(b).

21 “(b) TRANSFERS TO FUND.—

22 “(1) AMOUNTS ATTRIBUTABLE TO TREASURY
23 BONDS.—There shall be credited to the Fund the
24 amounts transferred under section 506 of the Reha-
25 bilitation for Multiemployer Pensions Act of 2020.

1 “(2) LOAN INTEREST AND PRINCIPAL.—

2 “(A) IN GENERAL.—The Director of the
3 Pension Rehabilitation Administration estab-
4 lished under section 502 of the Rehabilitation
5 for Multiemployer Pensions Act of 2020 shall
6 deposit in the Fund any amounts received from
7 a plan as payment of interest or principal on a
8 loan under section 504 of such Act.

9 “(B) INTEREST.—For purposes of sub-
10 paragraph (A), the term ‘interest’ includes
11 points and other similar amounts.

12 “(3) AVAILABILITY OF FUNDS.—Amounts cred-
13 ited to or deposited in the Fund shall remain avail-
14 able until expended.

15 “(c) EXPENDITURES FROM FUND.—Amounts in the
16 Fund are available without further appropriation to the
17 Pension Rehabilitation Administration—

18 “(1) for the purpose of making the loans de-
19 scribed in section 504 of the Rehabilitation for Mul-
20 tiemployer Pensions Act of 2020,

21 “(2) for the payment of principal and interest
22 on obligations issued under section 506 of such Act,
23 and

24 “(3) for administrative and operating expenses
25 of such Administration.”.

1 (b) CLERICAL AMENDMENT.—The table of sections
 2 for subchapter A of chapter 98 of the Internal Revenue
 3 Code of 1986 is amended by adding at the end the fol-
 4 lowing new item:

“Sec. 9512. Pension Rehabilitation Trust Fund.”.

5 **SEC. 504. LOAN PROGRAM FOR MULTIEMPLOYER DEFINED**
 6 **BENEFIT PLANS.**

7 (a) LOAN AUTHORITY.—

8 (1) IN GENERAL.—The Pension Rehabilitation
 9 Administration established under section 2 is au-
 10 thorized—

11 (A) to make loans to multiemployer plans
 12 (as defined in section 414(f) of the Internal
 13 Revenue Code of 1986) which are defined ben-
 14 efit plans (as defined in section 414(j) of such
 15 Code) and—

16 (i)(I) which are in critical and declin-
 17 ing status (within the meaning of section
 18 432(b)(6) of such Code and section
 19 305(b)(6) of the Employee Retirement and
 20 Income Security Act) as of the date of the
 21 enactment of this section, or during the 2-
 22 year period beginning on such date, or

23 (II) with respect to which a suspen-
 24 sion of benefits has been approved under
 25 section 432(e)(9) of such Code and section

1 305(e)(9) of such Act as of such date or
2 during such period;

3 (ii) which as of such date of enact-
4 ment, or during such period, are in critical
5 status (within the meaning of section
6 432(b)(2) of such Code and section
7 305(b)(2) of such Act), have a modified
8 funded percentage of less than 40 percent,
9 and have a ratio of active to inactive par-
10 ticipants which is less than 2 to 5; or

11 (iii) which are insolvent for purposes
12 of section 418E of such Code as of such
13 date of enactment, or during such period,
14 if they became insolvent after December
15 16, 2014, and have not been terminated;
16 and

17 (B) subject to subsection (b), to establish
18 appropriate terms for such loans.

19 For purposes of subparagraph (A)(ii), the term
20 “modified funded percentage” means the percentage
21 equal to a fraction the numerator of which is current
22 value of plan assets (as defined in section 3(26) of
23 such Act) and the denominator of which is current
24 liabilities (as defined in section 431(c)(6)(D) of such
25 Code and section 304(c)(6)(D) of such Act).

1 (2) CONSULTATION.—The Director of the Pen-
2 sion Rehabilitation Administration shall consult with
3 the Secretary of the Treasury, the Secretary of
4 Labor, and the Director of the Pension Benefit
5 Guaranty Corporation before making any loan under
6 paragraph (1), and shall share with such persons the
7 application and plan information with respect to
8 each such loan.

9 (3) ESTABLISHMENT OF LOAN PROGRAM.—

10 (A) IN GENERAL.—A program to make the
11 loans authorized under this section shall be es-
12 tablished not later than May 31, 2020, with
13 guidance regarding such program to be promul-
14 gated by the Director of the Pension Rehabilita-
15 tion Administration, in consultation with the
16 Director of the Pension Benefit Guaranty Cor-
17 poration, the Secretary of the Treasury, and
18 the Secretary of Labor, not later than August
19 31, 2020.

20 (B) LOANS AUTHORIZED BEFORE PRO-
21 GRAM DATE.—Without regard to whether the
22 program under subparagraph (A) has been es-
23 tablished, a plan may apply for a loan under
24 this section before either date described in such
25 subparagraph, and the Pension Rehabilitation

1 Administration shall approve the application
2 and make the loan before establishment of the
3 program if necessary to avoid any suspension of
4 the accrued benefits of participants.

5 (b) LOAN TERMS.—

6 (1) IN GENERAL.—The terms of any loan made
7 under subsection (a) shall state that—

8 (A) the plan shall make payments of inter-
9 est on the loan for a period of 29 years begin-
10 ning on the date of the loan (or 19 years in the
11 case of a plan making the election under sub-
12 section (c)(5));

13 (B) final payment of interest and principal
14 shall be due in the 30th year after the date of
15 the loan (except as provided in an election
16 under subsection (c)(5)); and

17 (C) as a condition of the loan, the plan
18 sponsor stipulates that—

19 (i) except as provided in clause (ii),
20 the plan will not increase benefits, allow
21 any employer participating in the plan to
22 reduce its contributions, or accept any col-
23 lective bargaining agreement which pro-
24 vides for reduced contribution rates, dur-

1 ing the 30-year period described in sub-
2 paragraphs (A) and (B);

3 (ii) in the case of a plan with respect
4 to which a suspension of benefits has been
5 approved under section 432(e)(9) of the
6 Internal Revenue Code of 1986 and section
7 305(e)(9) of the Employee Retirement In-
8 come Security Act of 1974, or under sec-
9 tion 418E of such Code, before the loan,
10 the plan will reinstate the suspended bene-
11 fits (or will not carry out any suspension
12 which has been approved but not yet im-
13 plemented);

14 (iii) the plan sponsor will comply with
15 the requirements of section 6059A of the
16 Internal Revenue Code of 1986;

17 (iv) the plan will continue to pay all
18 premiums due under section 4007 of the
19 Employee Retirement Income Security Act
20 of 1974; and

21 (v) the plan and plan administrator
22 will meet such other requirements as the
23 Director of the Pension Rehabilitation Ad-
24 ministration provides in the loan terms.

1 The terms of the loan shall not make reference
2 to whether the plan is receiving financial assist-
3 ance under section 4261(d) of the Employee
4 Retirement Income Security Act of 1974 (29
5 U.S.C. 1431(d)) or to any adjustment of the
6 loan amount under subsection (d)(2)(A)(ii).

7 (2) INTEREST RATE.—Except as provided in
8 the second sentence of this paragraph and sub-
9 section (c)(5), loans made under subsection (a) shall
10 have as low an interest rate as is feasible. Such rate
11 shall be determined by the Pension Rehabilitation
12 Administration and shall—

13 (A) not be lower than the rate of interest
14 on 30-year Treasury securities on the first day
15 of the calendar year in which the loan is issued;
16 and

17 (B) not exceed the greater of—

18 (i) a rate 0.2 percentage points higher
19 than such rate of interest on such date; or

20 (ii) the rate necessary to collect reve-
21 nues sufficient to administer the program
22 under this section.

23 (c) LOAN APPLICATION.—

24 (1) IN GENERAL.—In applying for a loan under
25 subsection (a), the plan sponsor shall—

1 (A) demonstrate that, except as provided
2 in subparagraph (C)—

3 (i) the loan will enable the plan to
4 avoid insolvency for at least the 30-year
5 period described in subparagraphs (A) and
6 (B) of subsection (b)(1) or, in the case of
7 a plan which is already insolvent, to
8 emerge from insolvency within and avoid
9 insolvency for the remainder of such pe-
10 riod; and

11 (ii) the plan is reasonably expected to
12 be able to pay benefits and the interest on
13 the loan during such period and to accu-
14 mulate sufficient funds to repay the prin-
15 cipal when due;

16 (B) provide the plan's most recently filed
17 Form 5500 as of the date of application and
18 any other information necessary to determine
19 the loan amount under subsection (d);

20 (C) stipulate whether the plan is also ap-
21 plying for financial assistance under section
22 4261(d) of the Employee Retirement Income
23 Security Act of 1974 (29 U.S.C. 1431(d)) in
24 combination with the loan to enable the plan to
25 avoid insolvency and to pay benefits, or is al-

1 ready receiving such financial assistance as a
2 result of a previous application;

3 (D) state in what manner the loan pro-
4 ceeds will be invested pursuant to subsection
5 (d), the person from whom any annuity con-
6 tracts under such subsection will be purchased,
7 and the person who will be the investment man-
8 ager for any portfolio implemented under such
9 subsection; and

10 (E) include such other information and
11 certifications as the Director of the Pension Re-
12 habilitation Administration shall require.

13 (2) STANDARD FOR ACCEPTING ACTUARIAL AND
14 PLAN SPONSOR DETERMINATIONS AND DEMONSTRA-
15 TIONS IN THE APPLICATION.—In evaluating the plan
16 sponsor’s application, the Director of the Pension
17 Rehabilitation Administration shall accept the deter-
18 minations and demonstrations in the application un-
19 less the Director, in consultation with the Director
20 of the Pension Benefit Guaranty Corporation, the
21 Secretary of the Treasury, and the Secretary of
22 Labor, concludes that any such determinations or
23 demonstrations in the application (or any underlying
24 assumptions) are clearly erroneous or are incon-

1 sistent with any rules issued by the Director pursu-
2 ant to subsection (g).

3 (3) REQUIRED ACTIONS; DEEMED APPROVAL.—

4 The Director of the Pension Rehabilitation Adminis-
5 tration shall approve any application under this sub-
6 section within 90 days after the submission of such
7 application unless such application is incomplete or
8 the Director makes a conclusion described in para-
9 graph (2) with respect to the application. An appli-
10 cation shall be deemed approved unless, within such
11 90 days, the Director notifies the plan sponsor of
12 the denial of such application and the reasons for
13 such denial. Any approval or denial of an application
14 by the Director of the Pension Rehabilitation Ad-
15 ministration shall be treated as a final agency action
16 for purposes of section 704 of title 5, United States
17 Code. The Pension Rehabilitation Administration
18 shall make the loan pursuant to any application
19 promptly after the approval of such application.

20 (4) CERTAIN PLANS REQUIRED TO APPLY.—

21 The plan sponsor of any plan with respect to which
22 a suspension of benefits has been approved under
23 section 432(e)(9) of the Internal Revenue Code of
24 1986 and section 305(e)(9) of the Employee Retire-
25 ment Income Security Act of 1974 or under section

1 418E of such Code, before the date of the enactment
2 of this Act shall apply for a loan under this section.
3 The Director of the Pension Rehabilitation Adminis-
4 tration shall provide for such plan sponsors to use
5 the simplified application under subsection
6 (d)(2)(B).

7 (5) INCENTIVE FOR EARLY REPAYMENT.—The
8 plan sponsor may elect at the time of the application
9 to repay the loan principal, along with the remaining
10 interest, at least as rapidly as equal installments
11 over the 10-year period beginning with the 21st year
12 after the date of the loan. In the case of a plan mak-
13 ing this election, the interest on the loan shall be re-
14 duced by 0.5 percentage points.

15 (d) LOAN AMOUNT AND USE.—

16 (1) AMOUNT OF LOAN.—

17 (A) IN GENERAL.—Except as provided in
18 subparagraph (B) and paragraph (2), the
19 amount of any loan under subsection (a) shall
20 be, as demonstrated by the plan sponsor on the
21 application under subsection (c), the amount
22 needed to purchase annuity contracts or to im-
23 plement a portfolio described in paragraph
24 (3)(C) (or a combination of the two) sufficient
25 to provide benefits of participants and bene-

1 ficiaries of the plan in pay status, and termi-
2 nated vested benefits, at the time the loan is
3 made.

4 (B) PLANS WITH SUSPENDED BENE-
5 FITS.—In the case of a plan with respect to
6 which a suspension of benefits has been ap-
7 proved under section 432(e)(9) of the Internal
8 Revenue Code of 1986 and section 305(e)(9) of
9 the Employee Retirement Income Security Act
10 of 1974 (29 U.S.C. 1085(e)(9)) or under sec-
11 tion 418E of such Code—

12 (i) the suspension of benefits shall not
13 be taken into account in applying subpara-
14 graph (A); and

15 (ii) the loan amount shall be the
16 amount sufficient to provide benefits of
17 participants and beneficiaries of the plan
18 in pay status and terminated vested bene-
19 fits at the time the loan is made, deter-
20 mined without regard to the suspension,
21 including retroactive payment of benefits
22 which would otherwise have been payable
23 during the period of the suspension.

24 (2) COORDINATION WITH PBGC FINANCIAL AS-
25 SISTANCE.—

1 (A) IN GENERAL.—In the case of a plan
2 which is also applying for financial assistance
3 under section 4261(d) of the Employee Retirement
4 Income Security Act of 1974 (29 U.S.C.
5 1431(d))—

6 (i) the plan sponsor shall submit the
7 loan application and the application for fi-
8 nancial assistance jointly to the Pension
9 Rehabilitation Administration and the Pen-
10 sion Benefit Guaranty Corporation with
11 the information necessary to determine the
12 eligibility for and amount of the loan under
13 this section and the financial assistance
14 under section 4261(d) of such Act; and

15 (ii) if such financial assistance is
16 granted, the amount of the loan under sub-
17 section (a) shall not exceed an amount
18 equal to the excess of—

19 (I) the amount determined under
20 paragraph (1)(A) or (1)(B)(ii) (which-
21 ever is applicable); over

22 (II) the amount of such financial
23 assistance.

24 (B) PLANS ALREADY RECEIVING PBGC AS-
25 SISTANCE.—The Director of the Pension Reha-

1 bilitation Administration shall provide for a
2 simplified application for the loan under this
3 section which may be used by an insolvent plan
4 which has not been terminated and which is al-
5 ready receiving financial assistance (other than
6 under section 4261(d) of such Act) from the
7 Pension Benefit Guaranty Corporation at the
8 time of the application for the loan under this
9 section.

10 (3) USE OF LOAN FUNDS.—

11 (A) IN GENERAL.—Notwithstanding sec-
12 tion 432(f)(2)(A)(ii) of the Internal Revenue
13 Code of 1986 and section 305(f)(2)(A)(ii) of
14 such Act, the loan received under subsection (a)
15 shall only be used to purchase annuity contracts
16 which meet the requirements of subparagraph
17 (B) or to implement a portfolio described in
18 subparagraph (C) (or a combination of the two)
19 to provide the benefits described in paragraph
20 (1).

21 (B) ANNUITY CONTRACT REQUIRE-
22 MENTS.—The annuity contracts purchased
23 under subparagraph (A) shall be issued by an
24 insurance company which is licensed to do busi-
25 ness under the laws of any State and which is

1 rated A or better by a nationally recognized sta-
2 tistical rating organization, and the purchase of
3 such contracts shall meet all applicable fidu-
4 ciary standards under the Employee Retirement
5 Income Security Act of 1974.

6 (C) PORTFOLIO.—

7 (i) IN GENERAL.—A portfolio de-
8 scribed in this subparagraph is—

9 (I) a cash matching portfolio or
10 duration matching portfolio consisting
11 of investment grade (as rated by a na-
12 tionally recognized statistical rating
13 organization) fixed income invest-
14 ments, including United States dollar-
15 denominated public or private debt
16 obligations issued or guaranteed by
17 the United States or a foreign issuer,
18 which are tradeable in United States
19 currency and are issued at fixed or
20 zero coupon rates; or

21 (II) any other portfolio pre-
22 scribed by the Secretary of the Treas-
23 ury in regulations which has a similar
24 risk profile to the portfolios described
25 in subclause (I) and is equally protec-

1 tive of the interests of participants
2 and beneficiaries.

3 Once implemented, such a portfolio shall
4 be maintained until all liabilities to partici-
5 pants and beneficiaries in pay status, and
6 terminated vested participants, at the time
7 of the loan are satisfied.

8 (ii) FIDUCIARY DUTY.—Any invest-
9 ment manager of a portfolio under this
10 subparagraph shall acknowledge in writing
11 that such person is a fiduciary under the
12 Employee Retirement Income Security Act
13 of 1974 with respect to the plan.

14 (iii) TREATMENT OF PARTICIPANTS
15 AND BENEFICIARIES.—Participants and
16 beneficiaries covered by a portfolio under
17 this subparagraph shall continue to be
18 treated as participants and beneficiaries of
19 the plan, including for purposes of title IV
20 of the Employee Retirement Income Secu-
21 rity Act of 1974.

22 (D) ACCOUNTING.—

23 (i) IN GENERAL.—Annuity contracts
24 purchased and portfolios implemented
25 under this paragraph shall be used solely

1 to provide the benefits described in para-
2 graph (1) until all such benefits have been
3 paid and shall be accounted for separately
4 from the other assets of the plan.

5 (ii) OVERSIGHT OF NON-ANNUITY IN-
6 VESTMENTS.—

7 (I) IN GENERAL.—Any portfolio
8 implemented under this paragraph
9 shall be subject to oversight by the
10 Pension Rehabilitation Administra-
11 tion, including a mandatory triennial
12 review of the adequacy of the portfolio
13 to provide the benefits described in
14 paragraph (1) and approval (to be
15 provided within a reasonable period of
16 time) of any decision by the plan
17 sponsor to change the investment
18 manager of the portfolio.

19 (II) REMEDIAL ACTION.—If the
20 oversight under subclause (I) deter-
21 mines an inadequacy, the plan spon-
22 sor shall take remedial action to en-
23 sure that the inadequacy will be cured
24 within 2 years of such determination.

1 (E) OMBUDSPERSON.—The Participant
2 and Plan Sponsor Advocate established under
3 section 4004 of the Employee Retirement In-
4 come Security Act of 1974 shall act as
5 ombudsperson for participants and beneficiaries
6 on behalf of whom annuity contracts are pur-
7 chased or who are covered by a portfolio under
8 this paragraph.

9 (e) COLLECTION OF REPAYMENT.—Except as pro-
10 vided in subsection (f), the Pension Rehabilitation Admin-
11 istration shall make every effort to collect repayment of
12 loans under this section in accordance with section 3711
13 of title 31, United States Code.

14 (f) LOAN DEFAULT.—If a plan is unable to make any
15 payment on a loan under this section when due, the Pen-
16 sion Rehabilitation Administration shall negotiate with the
17 plan sponsor revised terms for repayment (including in-
18 stallment payments over a reasonable period or forgive-
19 ness of a portion of the loan principal), but only to the
20 extent necessary to avoid insolvency in the subsequent 18
21 months.

22 (g) AUTHORITY TO ISSUE RULES, ETC.—The Direc-
23 tor of the Pension Rehabilitation Administration, in con-
24 sultation with the Director of the Pension Benefit Guar-
25 anty Corporation, the Secretary of the Treasury, and the

1 Secretary of Labor, is authorized to issue rules regarding
2 the form, content, and process of applications for loans
3 under this section, actuarial standards and assumptions
4 to be used in making estimates and projections for pur-
5 poses of such applications, and assumptions regarding in-
6 terest rates, mortality, and distributions with respect to
7 a portfolio described in subsection (d)(3)(C).

8 (h) REPORT TO CONGRESS ON STATUS OF CERTAIN
9 PLANS WITH LOANS.—Not later than 1 year after the
10 first loan is made under this section, and annually there-
11 after, the Director of the Pension Rehabilitation Adminis-
12 tration shall submit to the Committee on Ways and Means
13 and the Committee on Education and Labor of the House
14 of Representatives, and the Committee on Finance and the
15 Committee on Health, Education, Labor, and Pensions of
16 the Senate, a report identifying any plan that—

17 (1) has failed to make any scheduled payment
18 on a loan under this section;

19 (2) has negotiated revised terms for repayment
20 of such loan (including any installment payments or
21 forgiveness of a portion of the loan principal); or

22 (3) the Director has determined is no longer
23 reasonably expected to be able to—

24 (A) pay benefits and the interest on the
25 loan; or

1 (B) accumulate sufficient funds to repay
2 the principal when due.

3 Such report shall include the details of any such failure,
4 revised terms, or determination, as the case may be.

5 (i) COORDINATION WITH TAXATION OF UNRELATED
6 BUSINESS INCOME.—Subparagraph (A) of section
7 514(c)(6) of the Internal Revenue Code of 1986 is amend-
8 ed—

9 (1) by striking “or” at the end of clause (i);

10 (2) by striking the period at the end of clause

11 (ii)(II) and inserting “, or”; and

12 (3) by adding at the end the following new
13 clause:

14 “(iii) indebtedness with respect to a
15 multiemployer plan under a loan made by
16 the Pension Rehabilitation Administration
17 pursuant to section 504 of the Rehabilita-
18 tion for Multiemployer Pensions Act of
19 2020.”.

20 **SEC. 505. COORDINATION WITH WITHDRAWAL LIABILITY**
21 **AND FUNDING RULES.**

22 (a) AMENDMENT TO INTERNAL REVENUE CODE OF
23 1986.—Section 432 of the Internal Revenue Code of 1986
24 is amended by adding at the end the following new sub-
25 section:

1 “(k) SPECIAL RULES FOR PLANS RECEIVING PEN-
2 SION REHABILITATION LOANS.—

3 “(1) DETERMINATION OF WITHDRAWAL LIABIL-
4 ITY.—

5 “(A) IN GENERAL.—If any employer par-
6 ticipating in a plan at the time the plan receives
7 a loan under section 504(a) of the Rehabilita-
8 tion for Multiemployer Pensions Act of 2020
9 withdraws from the plan before the end of the
10 30-year period beginning on the date of the
11 loan, the withdrawal liability of such employer
12 shall be determined under the Employee Retirement
13 Income Security Act of 1974—

14 “(i) by applying section 4219(c)(1)(D)
15 of the Employee Retirement Income Secu-
16 rity Act of 1974 as if the plan were termi-
17 nating by the withdrawal of every employer
18 from the plan, and

19 “(ii) by determining the value of non-
20 forfeitable benefits under the plan at the
21 time of the deemed termination by using
22 the interest assumptions prescribed for
23 purposes of section 4044 of the Employee
24 Retirement Income Security Act of 1974,
25 as prescribed in the regulations under sec-

1 tion 4281 of the Employee Retirement In-
2 come Security Act of 1974 in the case of
3 such a mass withdrawal.

4 “(B) ANNUITY CONTRACTS AND INVEST-
5 MENT PORTFOLIOS PURCHASED WITH LOAN
6 FUNDS.—Annuity contracts purchased and
7 portfolios implemented under section 504(d)(3)
8 of the Rehabilitation for Multiemployer Pen-
9 sions Act of 2020 shall not be taken into ac-
10 count as plan assets in determining the with-
11 drawal liability of any employer under subpara-
12 graph (A), but the amount equal to the greater
13 of—

14 “(i) the benefits provided under such
15 contracts or portfolios to participants and
16 beneficiaries, or

17 “(ii) the remaining payments due on
18 the loan under section 504(a) of such Act,
19 shall be taken into account as unfunded vested
20 benefits in determining such withdrawal liabil-
21 ity.

22 “(2) COORDINATION WITH FUNDING REQUIRE-
23 MENTS.—In the case of a plan which receives a loan
24 under section 504(a) of the Rehabilitation for Multi-
25 employer Pensions Act of 2020—

1 “(A) annuity contracts purchased and
2 portfolios implemented under section 504(d)(3)
3 of such Act, and the benefits provided to par-
4 ticipants and beneficiaries under such contracts
5 or portfolios, shall not be taken into account in
6 determining minimum required contributions
7 under section 412,

8 “(B) payments on the interest and prin-
9 cipal under the loan, and any benefits owed in
10 excess of those provided under such contracts
11 or portfolios, shall be taken into account as li-
12 abilities for purposes of such section, and

13 “(C) if such a portfolio is projected due to
14 unfavorable investment or actuarial experience
15 to be unable to fully satisfy the liabilities which
16 it covers, the amount of the liabilities projected
17 to be unsatisfied shall be taken into account as
18 liabilities for purposes of such section.”.

19 (b) AMENDMENT TO EMPLOYEE RETIREMENT IN-
20 COME SECURITY ACT OF 1974.—Section 305 of the Em-
21 ployee Retirement Income Security Act of 1974 (29
22 U.S.C. 1085) is amended by adding at the end the fol-
23 lowing new subsection:

24 “(k) SPECIAL RULES FOR PLANS RECEIVING PEN-
25 SION REHABILITATION LOANS.—

1 “(1) DETERMINATION OF WITHDRAWAL LIABIL-
2 ITY.—

3 “(A) IN GENERAL.—If any employer par-
4 ticipating in a plan at the time the plan receives
5 a loan under section 504(a) of the Rehabilita-
6 tion for Multiemployer Pensions Act of 2020
7 withdraws from the plan before the end of the
8 30-year period beginning on the date of the
9 loan, the withdrawal liability of such employer
10 shall be determined—

11 “(i) by applying section 4219(c)(1)(D)
12 as if the plan were terminating by the
13 withdrawal of every employer from the
14 plan, and

15 “(ii) by determining the value of non-
16 forfeitable benefits under the plan at the
17 time of the deemed termination by using
18 the interest assumptions prescribed for
19 purposes of section 4044, as prescribed in
20 the regulations under section 4281 in the
21 case of such a mass withdrawal.

22 “(B) ANNUITY CONTRACTS AND INVEST-
23 MENT PORTFOLIOS PURCHASED WITH LOAN
24 FUNDS.—Annuity contracts purchased and
25 portfolios implemented under section 504(d)(3)

1 of the Rehabilitation for Multiemployer Pen-
2 sions Act of 2020 shall not be taken into ac-
3 count in determining the withdrawal liability of
4 any employer under subparagraph (A), but the
5 amount equal to the greater of—

6 “(i) the benefits provided under such
7 contracts or portfolios to participants and
8 beneficiaries, or

9 “(ii) the remaining payments due on
10 the loan under section 504(a) of such Act,
11 shall be taken into account as unfunded vested
12 benefits in determining such withdrawal liabil-
13 ity.

14 “(2) COORDINATION WITH FUNDING REQUIRE-
15 MENTS.—In the case of a plan which receives a loan
16 under section 504(a) of the Rehabilitation for Multi-
17 employer Pensions Act of 2020—

18 “(A) annuity contracts purchased and
19 portfolios implemented under section 504(d)(3)
20 of such Act, and the benefits provided to par-
21 ticipants and beneficiaries under such contracts
22 or portfolios, shall not be taken into account in
23 determining minimum required contributions
24 under section 302,

1 “(B) payments on the interest and prin-
2 cipal under the loan, and any benefits owed in
3 excess of those provided under such contracts
4 or portfolios, shall be taken into account as li-
5 abilities for purposes of such section, and

6 “(C) if such a portfolio is projected due to
7 unfavorable investment or actuarial experience
8 to be unable to fully satisfy the liabilities which
9 it covers, the amount of the liabilities projected
10 to be unsatisfied shall be taken into account as
11 liabilities for purposes of such section.”.

12 **SEC. 506. ISSUANCE OF TREASURY BONDS.**

13 The Secretary of the Treasury shall from time to time
14 transfer from the general fund of the Treasury to the Pen-
15 sion Rehabilitation Trust Fund established under section
16 9512 of the Internal Revenue Code of 1986 such amounts
17 as are necessary to fund the loan program under section
18 504 of this Act, including from proceeds from the Sec-
19 retary’s issuance of obligations under chapter 31 of title
20 31, United States Code.

21 **SEC. 507. REPORTS OF PLANS RECEIVING PENSION REHA-**
22 **BILITATION LOANS.**

23 (a) IN GENERAL.—Subpart E of part III of sub-
24 chapter A of chapter 61 of the Internal Revenue Code of

1 1986 is amended by adding at the end the following new
2 section:

3 **“SEC. 6059A. REPORTS OF PLANS RECEIVING PENSION RE-**
4 **HABILITATION LOANS.**

5 “(a) IN GENERAL.—In the case of a plan receiving
6 a loan under section 504(a) of the Rehabilitation for Mul-
7 tiemployer Pensions Act of 2020, with respect to the first
8 plan year beginning after the date of the loan and each
9 of the 29 succeeding plan years, not later than the 90th
10 day of each such plan year the plan sponsor shall file with
11 the Secretary a report (including appropriate documenta-
12 tion and actuarial certifications from the plan actuary, as
13 required by the Secretary) that contains—

14 “(1) the funded percentage (as defined in sec-
15 tion 432(j)(2)) as of the first day of such plan year,
16 and the underlying actuarial value of assets (deter-
17 mined with regard, and without regard, to annuity
18 contracts purchased and portfolios implemented with
19 proceeds of such loan) and liabilities (including any
20 amounts due with respect to such loan) taken into
21 account in determining such percentage,

22 “(2) the market value of the assets of the plan
23 (determined as provided in paragraph (1)) as of the
24 last day of the plan year preceding such plan year,

1 “(3) the total value of all contributions made by
2 employers and employees during the plan year pre-
3 ceding such plan year,

4 “(4) the total value of all benefits paid during
5 the plan year preceding such plan year,

6 “(5) cash flow projections for such plan year
7 and the 9 succeeding plan years, and the assump-
8 tions used in making such projections,

9 “(6) funding standard account projections for
10 such plan year and the 9 succeeding plan years, and
11 the assumptions relied upon in making such projec-
12 tions,

13 “(7) the total value of all investment gains or
14 losses during the plan year preceding such plan year,

15 “(8) any significant reduction in the number of
16 active participants during the plan year preceding
17 such plan year, and the reason for such reduction,

18 “(9) a list of employers that withdrew from the
19 plan in the plan year preceding such plan year, and
20 the resulting reduction in contributions,

21 “(10) a list of employers that paid withdrawal
22 liability to the plan during the plan year preceding
23 such plan year and, for each employer, a total as-
24 sessment of the withdrawal liability paid, the annual
25 payment amount, and the number of years remain-

1 ing in the payment schedule with respect to such
2 withdrawal liability,

3 “(11) any material changes to benefits, accrual
4 rates, or contribution rates during the plan year pre-
5 ceding such plan year, and whether such changes re-
6 late to the terms of the loan,

7 “(12) details regarding any funding improve-
8 ment plan or rehabilitation plan and updates to such
9 plan,

10 “(13) the number of participants during the
11 plan year preceding such plan year who are active
12 participants, the number of participants and bene-
13 ficiaries in pay status, and the number of terminated
14 vested participants and beneficiaries,

15 “(14) the amount of any financial assistance re-
16 ceived under section 4261 of the Employee Retirement
17 Income Security Act of 1974 to pay benefits
18 during the preceding plan year, and the total
19 amount of such financial assistance received for all
20 preceding years,

21 “(15) the information contained on the most re-
22 cent annual funding notice submitted by the plan
23 under section 101(f) of the Employee Retirement In-
24 come Security Act of 1974,

1 “(16) the information contained on the most re-
2 cent annual return under section 6058 and actuarial
3 report under section 6059 of the plan, and

4 “(17) copies of the plan document and amend-
5 ments, other retirement benefit or ancillary benefit
6 plans relating to the plan and contribution obliga-
7 tions under such plans, a breakdown of administra-
8 tive expenses of the plan, participant census data
9 and distribution of benefits, the most recent actu-
10 arial valuation report as of the plan year, copies of
11 collective bargaining agreements, and financial re-
12 ports, and such other information as the Secretary,
13 in consultation with the Director of the Pension Re-
14 habilitation Administration, may require.

15 “(b) ELECTRONIC SUBMISSION.—The report re-
16 quired under subsection (a) shall be submitted electroni-
17 cally.

18 “(c) INFORMATION SHARING.—The Secretary shall
19 share the information in the report under subsection (a)
20 with the Secretary of Labor and the Director of the Pen-
21 sion Benefit Guaranty Corporation.

22 “(d) REPORT TO PARTICIPANTS, BENEFICIARIES,
23 AND EMPLOYERS.—Each plan sponsor required to file a
24 report under subsection (a) shall, before the expiration of
25 the time prescribed for the filing of such report, also pro-

1 vide a summary (written in a manner so as to be under-
2 stood by the average plan participant) of the information
3 in such report to participants and beneficiaries in the plan
4 and to each employer with an obligation to contribute to
5 the plan.”.

6 (b) PENALTY.—Subsection (e) of section 6652 of the
7 Internal Revenue Code of 1986 is amended—

8 (1) by inserting “, 6059A (relating to reports of
9 plans receiving pension rehabilitation loans)” after
10 “deferred compensation”;

11 (2) by inserting “(\$100 in the case of failures
12 under section 6059A)” after “\$25”; and

13 (3) by adding at the end the following: “In the
14 case of a failure with respect to section 6059A, the
15 amount imposed under this subsection shall not be
16 paid from the assets of the plan.”.

17 (c) CLERICAL AMENDMENT.—The table of sections
18 for subpart E of part III of subchapter A of chapter 61
19 of the Internal Revenue Code of 1986 is amended by add-
20 ing at the end the following new item:

“Sec. 6059A. Reports of plans receiving pension rehabilitation loans.”.

21 **SEC. 508. PBGC FINANCIAL ASSISTANCE.**

22 (a) IN GENERAL.—Section 4261 of the Employee Re-
23 tirement Income Security Act of 1974 (29 U.S.C. 1431)
24 is amended by adding at the end the following new sub-
25 section:

1 “(d)(1) The plan sponsor of a multiemployer plan—

2 “(A) which is in critical and declining status
3 (within the meaning of section 305(b)(6)) as of the
4 date of the enactment of this subsection or during
5 the 2-year period beginning on such date, or with re-
6 spect to which a suspension of benefits has been ap-
7 proved under section 305(e)(9) as of such date;

8 “(B) which, as of such date of enactment or
9 during such period, is in critical status (within the
10 meaning of section 305(b)(2)), has a modified fund-
11 ed percentage of less than 40 percent (as defined in
12 section 504(a)(1) of the Rehabilitation for Multiem-
13 ployer Pensions Act of 2020), and has a ratio of ac-
14 tive to inactive participants which is less than 2 to
15 5; or

16 “(C) which is insolvent for purposes of section
17 418E of the Internal Revenue Code of 1986 as of
18 such date of enactment or during such period, if the
19 plan became insolvent after December 16, 2014, and
20 has not been terminated,

21 and which is applying for a loan under section 504(a) of
22 the Rehabilitation for Multiemployer Pensions Act of 2020
23 may also apply to the corporation for financial assistance
24 under this subsection, by jointly submitting such applica-
25 tions in accordance with section 504(d)(2) of such Act.

1 The application for financial assistance under this sub-
2 section shall demonstrate, based on projections by the plan
3 actuary, that after the receipt of the anticipated loan
4 amount under section 4(a) of such Act, the plan will still
5 become (or remain) insolvent within the 30-year period be-
6 ginning on the date of the loan.

7 “(2) In reviewing an application under paragraph
8 (1), the corporation shall review the determinations and
9 demonstrations submitted with the loan application under
10 section 504(c) of the Rehabilitation for Multiemployer
11 Pensions Act of 2020 and provide guidance regarding such
12 determinations and demonstrations prior to approving any
13 application for financial assistance under this subsection.
14 The corporation may deny any application if any such de-
15 terminations or demonstrations (or any underlying as-
16 sumptions) are clearly erroneous, or inconsistent with
17 rules issued by the corporation, and the plan and the cor-
18 poration are unable to reach agreement on such deter-
19 minations or demonstrations. The corporation shall pre-
20 scribe any such rules or guidance not later than August
21 31, 2020.

22 “(3) In the case of a plan described in paragraph
23 (1)(A) or (1)(B), the total financial assistance provided
24 under this subsection shall be an amount equal to the
25 smallest portion of the loan amount with respect to the

1 plan under paragraph (1)(A) or (1)(B)(ii) of section
2 504(d) of the Rehabilitation for Multiemployer Pensions
3 Act of 2020 (determined without regard to paragraph (2)
4 thereof) that, if provided as financial assistance under this
5 subsection instead of a loan, would allow the plan to avoid
6 the projected insolvency.

7 “(4) In the case of a plan described in paragraph
8 (1)(C), the financial assistance provided pursuant to such
9 application under this subsection shall be the present value
10 of the amount (determined by the plan actuary and sub-
11 mitted on the application) that, if such amount were paid
12 by the corporation in combination with the loan and any
13 other assistance being provided to the plan by the corpora-
14 tion at the time of the application, would enable the plan
15 to emerge from insolvency and avoid any other insolvency
16 projected under paragraph (1).

17 “(5)(A)(i) Except as provided in subparagraph (B),
18 if the corporation determines at the time of approval, or
19 at the beginning of any plan year beginning thereafter,
20 that the plan’s 5-year expenditure projection (determined
21 without regard to loan payments described in clause
22 (iii)(III)) exceeds the fair market value of the plan’s as-
23 sets, the corporation shall (subject to the total amount of
24 financial assistance approved under this subsection) pro-
25 vide such assistance in an amount equal to the lesser of—

1 “(I) the amount by which the plan’s 5-year
2 expenditure projection exceeds such fair market
3 value; or

4 “(II) the plan’s expected expenditures for
5 the plan year.

6 “(ii) For purposes of this subparagraph, the term ‘5-
7 year expenditure projection’ means, with respect to any
8 plan for a plan year, an amount equal to 500 percent of
9 the plan’s expected expenditures for the plan year.

10 “(iii) For purposes of this subparagraph, the term
11 ‘expected expenditures’ means, with respect to any plan
12 for a plan year, an amount equal to the sum of—

13 “(I) expected benefit payments for the plan
14 year;

15 “(II) expected administrative expense payments
16 for the plan year; plus

17 “(III) payments on the loan scheduled during
18 the plan year pursuant to the terms of the loan
19 under section 504(b) of the Rehabilitation for Multi-
20 employer Pensions Act of 2020.

21 “(iv) For purposes of this subparagraph, in the case
22 of any plan year during which a plan is approved for a
23 loan under section 504 of such Act, but has not yet re-
24 ceived the proceeds, such proceeds shall be included in de-
25 termining the fair market value of the plan’s assets for

1 the plan year. The preceding sentence shall not apply in
2 the case of any plan that for the plan year beginning in
3 2015 was certified pursuant to section 305(b)(3) as being
4 in critical and declining status, and had more than
5 300,000 participants.

6 “(B) The financial assistance under this subsection
7 shall be provided in a lump sum if the plan sponsor dem-
8 onstrates in the application, and the corporation deter-
9 mines, that such a lump sum payment is necessary for
10 the plan to avoid the insolvency to which the application
11 relates. In the case of a plan described in paragraph
12 (1)(C), such lump sum shall be provided not later than
13 December 31, 2020.

14 “(6) Subsections (b) and (c) shall apply to financial
15 assistance under this subsection as if it were provided
16 under subsection (a), except that the terms for repayment
17 under subsection (b)(2) shall not require the financial as-
18 sistance to be repaid before the date on which the loan
19 under section 504(a) of the Rehabilitation for Multiem-
20 ployer Pensions Act of 2020 is repaid in full.

21 “(7) The corporation may forgo repayment of the fi-
22 nancial assistance provided under this subsection if nec-
23 essary to avoid any suspension of the accrued benefits of
24 participants.”.

1 (b) APPROPRIATIONS.—There is appropriated to the
 2 Director of the Pension Benefit Guaranty Corporation
 3 such sums as may be necessary for each fiscal year to pro-
 4 vide the financial assistance described in section 4261(d)
 5 of the Employee Retirement Income Security Act of 1974
 6 (29 U.S.C. 1431(d)) (as added by this section) (including
 7 necessary administrative and operating expenses relating
 8 to such assistance).

9 **DIVISION U—CONSUMER PRO-**
 10 **TECTION AND TELE-**
 11 **COMMUNICATIONS PROVI-**
 12 **SIONS**

13 **TITLE I—COVID-19 PRICE**
 14 **GOUGING PREVENTION**

15 **SEC. 101. SHORT TITLE.**

16 This title may be cited as the “COVID-19 Price
 17 Gouging Prevention Act”.

18 **SEC. 102. PREVENTION OF PRICE GOUGING.**

19 (a) IN GENERAL.—For the duration of a public
 20 health emergency declared pursuant to section 319 of the
 21 Public Health Service Act (42 U.S.C. 247d) as a result
 22 of confirmed cases of 2019 novel coronavirus (COVID-
 23 19), including any renewal thereof, it shall be unlawful
 24 for any person to sell or offer for sale a good or service
 25 at a price that—

1 (1) is unconscionably excessive; and

2 (2) indicates the seller is using the cir-
3 cumstances related to such public health emergency
4 to increase prices unreasonably.

5 (b) FACTORS FOR CONSIDERATION.—In determining
6 whether a person has violated subsection (a), there shall
7 be taken into account, with respect to the price at which
8 such person sold or offered for sale the good or service,
9 factors that include the following:

10 (1) Whether such price grossly exceeds the av-
11 erage price at which the same or a similar good or
12 service was sold or offered for sale by such person—

13 (A) during the 90-day period immediately
14 preceding January 31, 2020; or

15 (B) during the same 90-day period of the
16 previous year.

17 (2) Whether such price grossly exceeds the av-
18 erage price at which the same or a similar good or
19 service was readily obtainable from other similarly
20 situated competing sellers before January 31, 2020.

21 (3) Whether such price reasonably reflects addi-
22 tional costs, not within the control of such person,
23 that were paid, incurred, or reasonably anticipated
24 by such person, or reasonably reflects the profit-
25 ability of forgone sales or additional risks taken by

1 such person, to produce, distribute, obtain, or sell
2 such good or service under the circumstances.

3 (c) ENFORCEMENT.—

4 (1) ENFORCEMENT BY FEDERAL TRADE COM-
5 MISSION.—

6 (A) UNFAIR OR DECEPTIVE ACTS OR PRAC-
7 TICES.—A violation of subsection (a) shall be
8 treated as a violation of a regulation under sec-
9 tion 18(a)(1)(B) of the Federal Trade Commis-
10 sion Act (15 U.S.C. 57a(a)(1)(B)) regarding
11 unfair or deceptive acts or practices.

12 (B) POWERS OF COMMISSION.—The Com-
13 mission shall enforce subsection (a) in the same
14 manner, by the same means, and with the same
15 jurisdiction, powers, and duties as though all
16 applicable terms and provisions of the Federal
17 Trade Commission Act (15 U.S.C. 41 et seq.)
18 were incorporated into and made a part of this
19 section. Any person who violates such sub-
20 section shall be subject to the penalties and en-
21 titled to the privileges and immunities provided
22 in the Federal Trade Commission Act.

23 (2) EFFECT ON OTHER LAWS.—Nothing in this
24 section shall be construed in any way to limit the

1 authority of the Commission under any other provi-
2 sion of law.

3 (3) ENFORCEMENT BY STATE ATTORNEYS GEN-
4 ERAL.—

5 (A) IN GENERAL.—If the chief law en-
6 forcement officer of a State, or an official or
7 agency designated by a State, has reason to be-
8 lieve that any person has violated or is violating
9 subsection (a), the attorney general, official, or
10 agency of the State, in addition to any author-
11 ity it may have to bring an action in State
12 court under its consumer protection law, may
13 bring a civil action in any appropriate United
14 States district court or in any other court of
15 competent jurisdiction, including a State court,
16 to—

17 (i) enjoin further such violation by
18 such person;

19 (ii) enforce compliance with such sub-
20 section;

21 (iii) obtain civil penalties; and

22 (iv) obtain damages, restitution, or
23 other compensation on behalf of residents
24 of the State.

1 (B) NOTICE AND INTERVENTION BY THE
2 FTC.—The attorney general of a State shall
3 provide prior written notice of any action under
4 subparagraph (A) to the Commission and pro-
5 vide the Commission with a copy of the com-
6 plaint in the action, except in any case in which
7 such prior notice is not feasible, in which case
8 the attorney general shall serve such notice im-
9 mediately upon instituting such action. The
10 Commission shall have the right—

11 (i) to intervene in the action;

12 (ii) upon so intervening, to be heard
13 on all matters arising therein; and

14 (iii) to file petitions for appeal.

15 (C) LIMITATION ON STATE ACTION WHILE
16 FEDERAL ACTION IS PENDING.—If the Commis-
17 sion has instituted a civil action for violation of
18 this section, no State attorney general, or offi-
19 cial or agency of a State, may bring an action
20 under this paragraph during the pendency of
21 that action against any defendant named in the
22 complaint of the Commission for any violation
23 of this section alleged in the complaint.

24 (D) RELATIONSHIP WITH STATE-LAW
25 CLAIMS.—If the attorney general of a State has

1 authority to bring an action under State law di-
2 rected at acts or practices that also violate this
3 section, the attorney general may assert the
4 State-law claim and a claim under this section
5 in the same civil action.

6 (4) SAVINGS CLAUSE.—Nothing in this section
7 shall preempt or otherwise affect any State or local
8 law.

9 (d) DEFINITIONS.—In this section:

10 (1) COMMISSION.—The term “Commission”
11 means the Federal Trade Commission.

12 (2) GOOD OR SERVICE.—The term “good or
13 service” means a good or service offered in com-
14 merce, including—

15 (A) food, beverages, water, ice, a chemical,
16 or a personal hygiene product;

17 (B) any personal protective equipment for
18 protection from or prevention of contagious dis-
19 eases, filtering facepiece respirators, medical
20 supplies (including medical testing supplies),
21 cleaning supplies, disinfectants, sanitizers; or

22 (C) any healthcare service, cleaning serv-
23 ice, or delivery service.

24 (3) STATE.—The term “State” means each of
25 the several States, the District of Columbia, each

1 commonwealth, territory, or possession of the United
2 States, and each federally recognized Indian Tribe.

3 **TITLE II—E-RATE SUPPORT FOR**
4 **WI-FI HOTSPOTS AND CON-**
5 **NECTED DEVICES**

6 **SEC. 201. E-RATE SUPPORT FOR WI-FI HOTSPOTS AND CON-**
7 **NECTED DEVICES DURING EMERGENCY PERI-**
8 **ODS RELATING TO COVID-19.**

9 (a) REGULATIONS REQUIRED.—Not later than 7
10 days after the date of the enactment of this Act, the Com-
11 mission shall promulgate regulations providing for the
12 provision, during an emergency period described in sub-
13 section (b) and from amounts made available from the
14 Emergency Connectivity Fund established under sub-
15 section (i)(1), of universal service support under section
16 254(h)(1)(B) of the Communications Act of 1934 (47
17 U.S.C. 254(h)(1)(B)) to an elementary school, secondary
18 school, or library eligible for support under such section,
19 as well as a tribal elementary school, tribal secondary
20 school, or tribal library designated as eligible to receive
21 support under such regulations by an Indian tribe that
22 is eligible for support under section 261 of the Library
23 Services and Technology Act (20 U.S.C. 9161), for—

24 (1) providing Wi-Fi hotspots to—

1 (A) in the case of a school, students and
2 staff of such school for use at locations that in-
3 clude locations other than such school; and

4 (B) in the case of a library, patrons of
5 such library for use at locations that include lo-
6 cations other than such library;

7 (2) providing connected devices to students and
8 staff or patrons (as the case may be) for use as de-
9 scribed in subparagraph (A) or (B) of paragraph
10 (1); and

11 (3) providing mobile broadband internet access
12 service through such Wi-Fi hotspots or connected
13 devices.

14 (b) EMERGENCY PERIODS DESCRIBED.—An emer-
15 gency period described in this subsection is the duration
16 of a public health emergency declared pursuant to section
17 319 of the Public Health Service Act (42 U.S.C. 247d)
18 as a result of COVID–19, including any renewal thereof.

19 (c) SERVICE REQUIREMENT FOR CONNECTED DE-
20 VICES.—If a school or library provides a connected device
21 to a student, staff member, or patron using universal serv-
22 ice support under the regulations required by subsection
23 (a) and such connected device is only capable of con-
24 necting to broadband internet access service through the
25 use of Wi-Fi, such school or library shall also provide to

1 such student, staff member, or patron a Wi-Fi hotspot and
2 mobile broadband internet access service through such Wi-
3 Fi hotspot.

4 (d) TREATMENT OF WI-FI HOTSPOTS AND CON-
5 NECTED DEVICES AFTER EMERGENCY PERIOD.—The
6 Commission shall provide in the regulations required by
7 subsection (a) that, in the case of a school or library that
8 purchases Wi-Fi hotspots or connected devices using sup-
9 port received under such regulations, such school or li-
10 brary—

11 (1) may, after the emergency period with re-
12 spect to which such support is received, use such
13 Wi-Fi hotspots or connected devices for such pur-
14 poses as such school or library considers appro-
15 priate, subject to any restrictions provided in such
16 regulations (or any successor regulation); and

17 (2) may not sell or otherwise transfer in ex-
18 change for any thing of value such Wi-Fi hotspots
19 or connected devices.

20 (e) PRIORITIZATION OF SUPPORT.—The Commission
21 shall provide in the regulations required by subsection (a)
22 that a school or library shall prioritize the provision of
23 Wi-Fi hotspots or connected devices and associated mobile
24 broadband internet access service for which support is re-
25 ceived under such regulations to students and staff or pa-

1 trons (as the case may be) that the school or library be-
2 lieves do not otherwise have access to broadband internet
3 access service at the residences of such students and staff
4 or patrons.

5 (f) CERTIFICATION REQUIREMENTS.—The Commis-
6 sion shall provide in the regulations required by subsection
7 (a) that—

8 (1) Wi-Fi hotspots and connected devices for
9 which support is received under such regulations
10 shall be treated as computers for purposes of the
11 certification requirements of paragraphs (5) and (6)
12 of section 254(h) of the Communications Act of
13 1934 (47 U.S.C. 254(h)); and

14 (2) notwithstanding the requirements of such
15 paragraphs relating to the timing of certifications,
16 the certifications required by such paragraphs shall
17 be made with respect to such Wi-Fi hotspots and
18 connected devices as a condition of receiving such
19 support.

20 (g) RULE OF CONSTRUCTION.—Nothing in this sec-
21 tion shall be construed to affect any authority the Com-
22 mission may have under section 254(h)(1)(B) of the Com-
23 munications Act of 1934 (47 U.S.C. 254(h)(1)(B)) to
24 allow universal service support under such section to be

1 used for the purposes described in subsection (a) other
2 than as required by such subsection.

3 (h) EXEMPTIONS.—

4 (1) NOTICE AND COMMENT RULEMAKING RE-
5 QUIREMENTS.—Section 553 of title 5, United States
6 Code, shall not apply to a regulation promulgated
7 under subsection (a) or a rulemaking to promulgate
8 such a regulation.

9 (2) PAPERWORK REDUCTION ACT REQUIRE-
10 MENTS.—A collection of information conducted or
11 sponsored under the regulations required by sub-
12 section (a), or under section 254 of the Communica-
13 tions Act of 1934 (47 U.S.C. 254) in connection
14 with universal service support provided under such
15 regulations, shall not constitute a collection of infor-
16 mation for the purposes of subchapter I of chapter
17 35 of title 44, United States Code (commonly re-
18 ferred to as the Paperwork Reduction Act).

19 (i) EMERGENCY CONNECTIVITY FUND.—

20 (1) ESTABLISHMENT.—There is established in
21 the Treasury of the United States a fund to be
22 known as the Emergency Connectivity Fund.

23 (2) AUTHORIZATION OF APPROPRIATIONS.—

24 There is authorized to be appropriated to the Emer-
25 gency Connectivity Fund, out of any money in the

1 Treasury not otherwise appropriated,
2 \$2,000,000,000 for fiscal year 2020, to remain
3 available through fiscal year 2021.

4 (3) USE OF FUNDS.—Amounts in the Emer-
5 gency Connectivity Fund shall be available to the
6 Commission to provide universal service support
7 under the regulations required by subsection (a).

8 (4) RELATIONSHIP TO UNIVERSAL SERVICE
9 CONTRIBUTIONS.—Universal service support pro-
10 vided under the regulations required by subsection
11 (a) shall be provided from amounts made available
12 under paragraph (3) and not from contributions
13 under section 254(d) of the Communications Act of
14 1934 (47 U.S.C. 254(d)).

15 (j) EXCEPTION TO GIFT RESTRICTIONS.—Not later
16 than 7 days after the date of the enactment of this Act,
17 the Commission shall amend section 54.503(d) of title 47,
18 Code of Federal Regulations, so as to provide that such
19 section does not apply in the case of a gift or other thing
20 of value that is solicited, accepted, offered, or provided
21 during an emergency period described in subsection (b)
22 for the purpose of responding to needs arising from the
23 emergency.

24 (k) DEFINITIONS.—In this section:

1 (1) BROADBAND INTERNET ACCESS SERVICE.—

2 The term “broadband internet access service” has
3 the meaning given such term in section 8.1(b) of
4 title 47, Code of Federal Regulations (or any suc-
5 cessor regulation).

6 (2) COMMISSION.—The term “Commission”
7 means the Federal Communications Commission.

8 (3) CONNECTED DEVICE.—The term “con-
9 nected device” means a laptop computer, tablet com-
10 puter, or similar device that is capable of connecting
11 to mobile broadband internet access service, either
12 by receiving such service directly or through the use
13 of Wi-Fi.

14 (4) WI-FI.—The term “Wi-Fi” means a wire-
15 less networking protocol based on Institute of Elec-
16 trical and Electronics Engineers standard 802.11
17 (or any successor standard).

18 (5) WI-FI HOTSPOT.—The term “Wi-Fi
19 hotspot” means a device that is capable of—

20 (A) receiving mobile broadband internet
21 access service; and

22 (B) sharing such service with another de-
23 vice through the use of Wi-Fi.

1 **TITLE III—EMERGENCY LIFE-**
2 **LINE BENEFIT FOR**
3 **BROADBAND SERVICE**

4 **SEC. 301. EMERGENCY LIFELINE BENEFIT FOR**
5 **BROADBAND SERVICE DURING EMERGENCY**
6 **PERIODS RELATING TO COVID-19.**

7 (a) PROMULGATION OF REGULATIONS REQUIRED.—

8 Not later than 7 days after the date of the enactment of
9 this Act, the Commission shall promulgate regulations for
10 the provision of an emergency lifeline broadband benefit
11 described and in accordance with the requirements of this
12 section.

13 (b) REQUIREMENTS.—The regulations promulgated
14 pursuant to subsection (a) shall establish the following:

15 (1) Regardless of whether a household or any
16 consumer in the household receives support under
17 subpart E of part 54 of title 47, Code of Federal
18 Regulations, a household is eligible for the provision
19 of Tier I service or Tier II service, supported by the
20 emergency lifeline broadband benefit, during an
21 emergency period if—

22 (A) the household includes at least one
23 qualifying low-income consumer who meets the
24 qualifications in paragraphs (a) and (b) of sec-

1 tion 54.409 of title 47, Code of Federal Regula-
2 tions, or any successor regulation; or

3 (B) the household receives benefits from
4 the National School Lunch Program's free or
5 reduced cost lunch program.

6 (2) A provider of broadband internet access
7 service shall apply to the Commission for the reim-
8 bursement described in paragraph (6) for each eligi-
9 ble household that requests the emergency lifeline
10 broadband benefit and receives Tier I or Tier II
11 service from the provider.

12 (3) Within five business days of receiving a re-
13 quest from a broadband internet service provider,
14 the Commission shall determine and issue a decision
15 whether it is in the public interest—

16 (A) to allow such provider to provide Tier
17 I or Tier II service supported by the emergency
18 lifeline broadband benefit, and

19 (B) to allow the provider to use its own
20 verification processes to determine whether a
21 household is eligible to receive the emergency
22 lifeline broadband benefit according to the eligi-
23 bility criteria in paragraph (1), if such proc-
24 esses are reasonable and sufficient to avoid
25 waste, fraud, and abuse.

1 (4) The Commission shall adopt reasonable rec-
2 ordkeeping and retention requirements for recipients
3 of reimbursements from the funds made available in
4 subsection (f), which requirements shall be in lieu of
5 any reporting, record keeping, retention and compli-
6 ance requirements as set forth in subpart E of part
7 54 of title 47, Code of Federal Regulations.

8 (5) The emergency period may be extended
9 within a State or any portion thereof if the Governor
10 of the State provides written, public notice to the
11 Commission stipulating that an extension is nec-
12 essary in furtherance of the recovery related to
13 COVID-19. The Commission shall, within 24 hours
14 after receiving such notice, post the notice on the
15 Commission's public website.

16 (6) The Commission shall reimburse providers
17 of broadband internet access service from funds
18 made available in subsection (f) in the following
19 amounts:

20 (A) The broadband internet access service
21 provider shall receive \$50.00 per month, or an
22 amount equal to the monthly charge for service
23 and equipment if such charge is less than
24 \$50.00 per month, for each eligible household

1 that requests the emergency lifeline broadband
2 benefit and receives the Tier I service.

3 (B) The broadband internet access service
4 provider shall receive \$30.00 per month, or an
5 amount equal to the monthly charge for service
6 and equipment if such charge is less than
7 \$30.00 per month, for each eligible household
8 that requests the emergency lifeline broadband
9 benefit and receives Tier II service.

10 (7) To receive a reimbursement under para-
11 graph (6), a broadband internet access service pro-
12 vider shall certify to the Commission—

13 (A) the number of eligible households that
14 requested the emergency lifeline broadband ben-
15 efit and received Tier I service—

16 (i) monthly for the duration of the
17 emergency period; or

18 (ii) for each month of the emergency
19 period, collectively, after the expiration of
20 the emergency period under paragraph (5);

21 (B) the number of eligible households that
22 requested the emergency lifeline broadband ben-
23 efit and received Tier II service—

24 (i) monthly for the duration of the
25 emergency period; or

1 (ii) for each month of the emergency
2 period, collectively, after the expiration of
3 the emergency period under paragraph (5);

4 (C) that the reimbursement sought for pro-
5 viding Tier I service or Tier II service to an eli-
6 gible household did not exceed the provider's
7 rate for that offering, or similar offerings, for
8 households that are not eligible households sub-
9 scribing to the same or substantially similar
10 service;

11 (D) that eligible households for which the
12 provider is seeking reimbursement for providing
13 Tier I or Tier II service using the emergency
14 lifeline broadband benefit—

15 (i) were not charged for the Tier I
16 service or Tier II service; and

17 (ii) were not disqualified from receiv-
18 ing the emergency lifeline broadband serv-
19 ice based on past or present arrearages;
20 and

21 (E) that the eligibility of eligible house-
22 holds is verified in accordance with the require-
23 ments adopted by the Commission pursuant to
24 paragraph (3).

1 (c) ELIGIBLE PROVIDERS.—The Commission may
2 provide a reimbursement to a broadband internet access
3 service provider under this section without requiring such
4 provider to be designated as an eligible telecommuni-
5 cations carrier under section 214(e) of the Communica-
6 tions Act of 1934 (47 U.S.C. 214(e)) and notwithstanding
7 section 254(e) of the Communications Act of 1934 (47
8 U.S.C. 254(e)).

9 (d) RULE OF CONSTRUCTION.—Nothing in this sec-
10 tion shall affect the collection, distribution, or administra-
11 tion of the Lifeline Assistance Program governed by the
12 rules set forth in subpart E of part 54 of title 47, Code
13 of Federal Regulations.

14 (e) EXEMPTIONS.—

15 (1) NOTICE AND COMMENT RULEMAKING RE-
16 QUIREMENTS.—Section 553 of title 5, United States
17 Code, shall not apply to a regulation promulgated
18 under subsection (a) or a rulemaking to promulgate
19 such a regulation.

20 (2) PAPERWORK REDUCTION ACT REQUIRE-
21 MENTS.—A collection of information conducted or
22 sponsored under the regulations required by sub-
23 section (a), or under section 254 of the Communica-
24 tions Act of 1934 (47 U.S.C. 254) in connection
25 with universal service support provided under such

1 regulations, shall not constitute a collection of infor-
2 mation for the purposes of subchapter I of chapter
3 35 of title 44, United States Code (commonly re-
4 ferred to as the Paperwork Reduction Act).

5 (f) EMERGENCY BROADBAND CONNECTIVITY
6 FUND.—

7 (1) ESTABLISHMENT.—There is established in
8 the Treasury of the United States a fund to be
9 known as the Emergency Broadband Connectivity
10 Fund.

11 (2) AUTHORIZATION OF APPROPRIATIONS.—
12 There is authorized to be appropriated to the Emer-
13 gency Broadband Connectivity Fund, out of any
14 money in the Treasury not otherwise appropriated,
15 \$1,000,000,000 for fiscal year 2020, to remain
16 available through fiscal year 2021.

17 (3) USE OF FUNDS.—Amounts in the Emer-
18 gency Broadband Connectivity Fund shall be avail-
19 able to the Commission to provide reimbursements
20 for Tier I service or Tier II service provided to eligi-
21 ble households under the regulations required pursu-
22 ant to subsection (a).

23 (4) RELATIONSHIP TO UNIVERSAL SERVICE
24 CONTRIBUTIONS.—Reimbursements provided under
25 the regulations required by subsection (a) shall be

1 provided from amounts made available under para-
2 graph (3) and not from contributions under section
3 254(d) of the Communications Act of 1934 (47
4 U.S.C. 254(d)).

5 (g) DEFINITIONS.—In this section:

6 (1) BROADBAND INTERNET ACCESS SERVICE.—

7 The term “broadband internet access service” has
8 the meaning given such term in section 8.1(b) of
9 title 47, Code of Federal Regulations (or any suc-
10 cessor regulation).

11 (2) COMMISSION.—The term “Commission”

12 means the Federal Communications Commission.

13 (3) ELIGIBLE HOUSEHOLD.—The term “eligible

14 household” means a household that meets the re-
15 quirements described in subsection (b)(1).

16 (4) EMERGENCY PERIOD.—The term “emer-

17 gency period” means the duration of a public health
18 emergency declared pursuant to section 319 of the
19 Public Health Service Act (42 U.S.C. 247d) as a re-
20 sult of COVID–19, including any renewal thereof.

21 (5) TIER I SERVICE.—The term “Tier I serv-

22 ice” means broadband internet access service that,
23 at a minimum, provides a download speed of 100
24 megabits per second, an upload speed of 10 mega-
25 bits per second, and latency that is sufficiently low

1 to allow real-time, interactive applications, with no
2 data caps or additional fees for the provision of such
3 service, except taxes and other governmental fees.

4 (6) TIER II SERVICE.—The term “Tier II serv-
5 ice” means broadband internet access service that,
6 at a minimum, provides a download speed of 25
7 megabits per second, an upload speed of 3 megabits
8 per second, and latency that is sufficiently low to
9 allow real-time, interactive applications, with no data
10 caps or additional fees for the provision of such serv-
11 ice, except taxes and other governmental fees.

12 **TITLE IV—CONTINUED**

13 **CONNECTIVITY**

14 **SEC. 401. CONTINUED CONNECTIVITY DURING EMERGENCY**

15 **PERIODS RELATING TO COVID-19.**

16 Title VII of the Communications Act of 1934 (47
17 U.S.C. 601 et seq.) is amended by adding at the end the
18 following:

19 **“SEC. 723. CONTINUED CONNECTIVITY DURING EMER-**

20 **GENCY PERIODS RELATING TO COVID-19.**

21 “(a) IN GENERAL.—During an emergency period de-
22 scribed in subsection (b), it shall be unlawful—

23 “(1) for a provider of advanced telecommuni-
24 cations service or voice service to—

1 “(A) terminate, reduce, or change such
2 service provided to any individual customer or
3 small business because of the inability of the in-
4 dividual customer or small business to pay for
5 such service if the individual customer or small
6 business certifies to such provider that such in-
7 ability to pay is a result of disruptions caused
8 by the public health emergency to which such
9 emergency period relates; or

10 “(B) impose late fees on any individual
11 customer or small business because of the in-
12 ability of the individual customer or small busi-
13 ness to pay for such service if the individual
14 customer or small business certifies to such pro-
15 vider that such inability to pay is a result of
16 disruptions caused by the public health emer-
17 gency to which such emergency period relates;

18 “(2) for a provider of advanced telecommuni-
19 cations service to, during such emergency period—

20 “(A) employ a limit on the amount of data
21 allotted to an individual customer or small busi-
22 ness during such emergency period, except that
23 such provider may engage in reasonable net-
24 work management; or

1 “(B) charge an individual customer or
2 small business an additional fee for exceeding
3 the limit on the data allotted to an individual
4 customer or small business; or

5 “(3) for a provider of advanced telecommuni-
6 cations service that had functioning Wi-Fi hotspots
7 available to subscribers in public places on the day
8 before the beginning of such emergency period to
9 fail to make service provided by such Wi-Fi hotspots
10 available to the public at no cost during such emer-
11 gency period.

12 “(b) WAIVER.—Upon a petition by a provider ad-
13 vanced telecommunications service or voice service, the
14 provisions in subsection (a) may be suspended or waived
15 by the Commission at any time, in whole or in part, for
16 good cause shown.

17 “(c) EMERGENCY PERIODS DESCRIBED.—An emer-
18 gency period described in this subsection is any portion
19 beginning on or after the date of the enactment of this
20 section of the duration of a public health emergency de-
21 clared pursuant to section 319 of the Public Health Serv-
22 ice Act (42 U.S.C. 247d) as a result of COVID–19, includ-
23 ing any renewal thereof.

24 “(d) DEFINITIONS.—In this section:

1 “(1) ADVANCED TELECOMMUNICATIONS SERV-
2 ICE.—The term ‘advanced telecommunications serv-
3 ice’ means a service that provides advanced tele-
4 communications capability (as defined in section 706
5 of the Telecommunications Act of 1996 (47 U.S.C.
6 1302)).

7 “(2) BROADBAND INTERNET ACCESS SERV-
8 ICE.—The term ‘broadband internet access service’
9 has the meaning given such term in section 8.1(b)
10 of title 47, Code of Federal Regulations (or any suc-
11 cessor regulation).

12 “(3) INDIVIDUAL CUSTOMER.—The term ‘indi-
13 vidual customer’ means an individual who contracts
14 with a mass-market retail provider of advanced tele-
15 communications service or voice service to provide
16 service to such individual.

17 “(4) REASONABLE NETWORK MANAGEMENT.—
18 The term ‘reasonable network management’—

19 “(A) means the use of a practice that—

20 “(i) has a primarily technical network
21 management justification; and

22 “(ii) is primarily used for and tailored
23 to achieving a legitimate network manage-
24 ment purpose, taking into account the par-

1 particular network architecture and tech-
2 nology of the service; and

3 “(B) does not include other business prac-
4 tices.

5 “(5) SMALL BUSINESS.—The term ‘small busi-
6 ness’ has the meaning given such term under section
7 601(3) of title 5, United States Code.

8 “(6) VOICE SERVICE.—The term ‘voice service’
9 has the meaning given such term under section
10 227(e)(8) of the Communications Act of 1934 (47
11 U.S.C. 227(e)(8)).

12 “(7) WI-FI.—The term ‘Wi-Fi’ means a wire-
13 less networking protocol based on Institute of Elec-
14 trical and Electronics Engineers standard 802.11
15 (or any successor standard).

16 “(8) WI-FI HOTSPOT.—The term ‘Wi-Fi
17 hotspot’ means a device that is capable of—

18 “(A) receiving mobile broadband internet
19 access service; and

20 “(B) sharing such service with another de-
21 vice through the use of Wi-Fi.”.

1 **TITLE V—DON’T BREAK UP THE**
2 **T-BAND**

3 **SEC. 501. REPEAL OF REQUIREMENT TO REALLOCATE AND**
4 **AUCTION T-BAND SPECTRUM.**

5 (a) REPEAL.—Section 6103 of the Middle Class Tax
6 Relief and Job Creation Act of 2012 (47 U.S.C. 1413)
7 is repealed.

8 (b) CLERICAL AMENDMENT.—The table of contents
9 in section 1(b) of such Act is amended by striking the
10 item relating to section 6103.

11 **DIVISION V—GROW ACT**

12 **SEC. 101. SHORT TITLE.**

13 This division may be cited as the “Giving Retirement
14 Options to Workers Act of 2020” or the “GROW Act”.

15 **SEC. 102. COMPOSITE PLANS.**

16 (a) AMENDMENT TO THE EMPLOYEE RETIREMENT
17 INCOME SECURITY ACT OF 1974.—

18 (1) IN GENERAL.—Title I of the Employee Re-
19 tirement Income Security Act of 1974 (29 U.S.C.
20 1001 et seq.) is amended by adding at the end the
21 following:

1 “(4) for which the plan contributions for the
2 first plan year are at least 120 percent of the nor-
3 mal cost for the plan year;

4 “(5) which requires—

5 “(A) an annual valuation of the liability of
6 the plan as of a date within the plan year to
7 which the valuation refers or within one month
8 prior to the beginning of such year;

9 “(B) an annual actuarial determination of
10 the plan’s current funded ratio and projected
11 funded ratio under section 802(a);

12 “(C) corrective action through a realign-
13 ment program pursuant to section 803 when-
14 ever the plan’s projected funded ratio is below
15 120 percent for the plan year; and

16 “(D) an annual notification to each partici-
17 pant describing the participant’s benefits under
18 the plan and explaining that such benefits may
19 be subject to reduction under a realignment
20 program pursuant to section 803 based on the
21 plan’s funded status in future plan years; and

22 “(6) the board of trustees of which includes at
23 least one retiree or beneficiary in pay status during
24 each plan year following the first plan year in which

1 at least 5 percent of the participants in the plan are
2 retirees or beneficiaries in pay status.

3 “(b) TRANSITION FROM A MULTIEMPLOYER DE-
4 FINED BENEFIT PLAN.—

5 “(1) IN GENERAL.—The plan sponsor of a de-
6 fined benefit plan that is a multiemployer plan may,
7 subject to paragraph (2), amend the plan to incor-
8 porate the features of a composite plan as a compo-
9 nent of the multiemployer plan separate from the
10 defined benefit plan component, except in the case of
11 a defined benefit plan for which the plan actuary has
12 certified under section 305(b)(3) that the plan is or
13 will be in critical status for the plan year in which
14 such amendment would become effective or for any
15 of the succeeding 5 plan years.

16 “(2) REQUIREMENTS.—Any amendment pursu-
17 ant to paragraph (1) to incorporate the features of
18 a composite plan as a component of a multiemployer
19 plan shall—

20 “(A) apply with respect to all collective
21 bargaining agreements providing for contribu-
22 tions to the multiemployer plan on or after the
23 effective date of the amendment;

24 “(B) apply with respect to all participants
25 in the multiemployer plan for whom contribu-

1 tions are made to the multiemployer plan on or
2 after the effective date of the amendment;

3 “(C) specify that the effective date of the
4 amendment is—

5 “(i) the first day of a specified plan
6 year following the date of the adoption of
7 the amendment, except that the plan spon-
8 sor may alternatively provide for a sepa-
9 rate effective date with respect to each col-
10 lective bargaining agreement under which
11 contributions to the multiemployer plan
12 are required, which shall occur on the first
13 day of the first plan year beginning after
14 the termination, or if earlier, the re-open-
15 ing, of each such agreement, or such ear-
16 lier date as the parties to the agreement
17 and the plan sponsor of the multiemployer
18 plan shall agree to; and

19 “(ii) not later than the first day of the
20 fifth plan year beginning on or after the
21 date of the adoption of the amendment;

22 “(D) specify that, as of the amendment’s
23 effective date, no further benefits shall accrue
24 under the defined benefit component of the
25 multiemployer plan; and

1 “(E) specify that, as of the amendment’s
2 effective date, the plan sponsor of the multiem-
3 ployer plan shall be the plan sponsor of both
4 the composite plan component and the defined
5 benefit plan component of the plan.

6 “(3) SPECIAL RULES.—If a multiemployer plan
7 is amended pursuant to paragraph (1)—

8 “(A) the requirements of this title and title
9 IV shall be applied to the composite plan com-
10 ponent and the defined benefit plan component
11 of the multiemployer plan as if each such com-
12 ponent were maintained as a separate plan; and

13 “(B) the assets of the composite plan com-
14 ponent and the defined benefit plan component
15 of the plan shall be held in a single trust form-
16 ing part of the plan under which the trust in-
17 strument expressly provides—

18 “(i) for separate accounts (and appro-
19 priate records) to be maintained to reflect
20 the interest which each of the plan compo-
21 nents has in the trust, including separate
22 accounting for additions to the trust for
23 the benefit of each plan component, dis-
24 bursements made from each plan compo-
25 nent’s account in the trust, investment ex-

1 perience of the trust allocable to that ac-
2 count, and administrative expenses (wheth-
3 er direct expenses or shared expenses allo-
4 cated proportionally), and permits, but
5 does not require, the pooling of some or all
6 of the assets of the two plan components
7 for investment purposes; and

8 “(ii) that the assets of each of the two
9 plan components shall be held, invested,
10 reinvested, managed, administered and dis-
11 tributed for the exclusive benefit of the
12 participants and beneficiaries of each such
13 plan component, and in no event shall the
14 assets of one of the plan components be
15 available to pay benefits due under the
16 other plan component.

17 “(4) NOT A TERMINATION EVENT.—Notwith-
18 standing section 4041A, an amendment pursuant to
19 paragraph (1) to incorporate the features of a com-
20 posite plan as a component of a multiemployer plan
21 does not constitute termination of the multiemployer
22 plan.

23 “(5) NOTICE TO THE SECRETARY.—

24 “(A) NOTICE.—The plan sponsor of a
25 composite plan shall provide notice to the Sec-

1 retary of the intent to establish the composite
2 plan (or, in the case of a composite plan incor-
3 porated as a component of a multiemployer
4 plan as described in paragraph (1), the intent
5 to amend the multiemployer plan to incorporate
6 such composite plan) at least 30 days prior to
7 the effective date of such establishment or
8 amendment.

9 “(B) CERTIFICATION.—In the case of a
10 composite plan incorporated as a component of
11 a multiemployer plan as described in paragraph
12 (1), such notice shall include a certification by
13 the plan actuary under section 305(b)(3) that
14 the effective date of the amendment occurs in
15 a plan year for which the multiemployer plan is
16 not in critical status for that plan year and any
17 of the succeeding 5 plan years.

18 “(6) REFERENCES TO COMPOSITE PLAN COM-
19 PONENT.—As used in this part, the term ‘composite
20 plan’ includes a composite plan component added to
21 a defined benefit plan pursuant to paragraph (1).

22 “(7) RULE OF CONSTRUCTION.—Paragraph
23 (2)(A) shall not be construed as preventing the plan
24 sponsor of a multiemployer plan from adopting an
25 amendment pursuant to paragraph (1) because some

1 collective bargaining agreements are amended to
2 cease any covered employer's obligation to contribute
3 to the multiemployer plan before or after the plan
4 amendment is effective. Paragraph (2)(B) shall not
5 be construed as preventing the plan sponsor of a
6 multiemployer plan from adopting an amendment
7 pursuant to paragraph (1) because some partici-
8 pants cease to have contributions made to the multi-
9 employer plan on their behalf before or after the
10 plan amendment is effective.

11 “(c) COORDINATION WITH FUNDING RULES.—Ex-
12 cept as otherwise provided in this title, sections 302, 304,
13 and 305 shall not apply to a composite plan.

14 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
15 poses of this Act (other than sections 302 and 4245), a
16 composite plan shall be treated as if it were a defined ben-
17 efit plan unless a different treatment is provided for under
18 applicable law.

19 **“SEC. 802. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

20 “(a) CERTIFICATION OF FUNDED RATIOS.—

21 “(1) IN GENERAL.—Not later than the one-
22 hundred twentieth day of each plan year of a com-
23 posite plan, the plan actuary of the composite plan
24 shall certify to the Secretary, the Secretary of the
25 Treasury, and the plan sponsor the plan's current

1 funded ratio and projected funded ratio for the plan
2 year.

3 “(2) DETERMINATION OF CURRENT FUNDED
4 RATIO AND PROJECTED FUNDED RATIO.—For pur-
5 poses of this section:

6 “(A) CURRENT FUNDED RATIO.—The cur-
7 rent funded ratio is the ratio (expressed as a
8 percentage) of—

9 “(i) the value of the plan’s assets as
10 of the first day of the plan year; to

11 “(ii) the plan actuary’s best estimate
12 of the present value of the plan liabilities
13 as of the first day of the plan year.

14 “(B) PROJECTED FUNDED RATIO.—The
15 projected funded ratio is the current funded
16 ratio projected to the first day of the fifteenth
17 plan year following the plan year for which the
18 determination is being made.

19 “(3) CONSIDERATION OF CONTRIBUTION RATE
20 INCREASES.—For purposes of projections under this
21 subsection, the plan sponsor may anticipate con-
22 tribution rate increases beyond the term of the cur-
23 rent collective bargaining agreement and any agreed-
24 to supplements, up to a maximum of 2.5 percent per
25 year, compounded annually, unless it would be un-

1 reasonable under the circumstances to assume that
2 contributions would increase by that amount.

3 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

4 For purposes of this part:

5 “(1) IN GENERAL.—All costs, liabilities, rates
6 of interest and other factors under the plan shall be
7 determined for a plan year on the basis of actuarial
8 assumptions and methods—

9 “(A) each of which is reasonable (taking
10 into account the experience of the plan and rea-
11 sonable expectations);

12 “(B) which, in combination, offer the actu-
13 ary’s best estimate of anticipated experience
14 under the plan; and

15 “(C) with respect to which any change
16 from the actuarial assumptions and methods
17 used in the previous plan year shall be certified
18 by the plan actuary and the actuarial rationale
19 for such change provided in the annual report
20 required by section 103.

21 “(2) FAIR MARKET VALUE OF ASSETS.—The
22 value of the plan’s assets shall be taken into account
23 on the basis of their fair market value.

24 “(3) DETERMINATION OF NORMAL COST AND
25 PLAN LIABILITIES.—A plan’s normal cost and liabil-

1 ities shall be based on the most recent actuarial
2 valuation required under section 801(a)(5)(A) and
3 the unit credit funding method.

4 “(4) TIME WHEN CERTAIN CONTRIBUTIONS
5 DEEMED MADE.—Any contributions for a plan year
6 made by an employer after the last day of such plan
7 year, but not later than two and one-half months
8 after such day, shall be deemed to have been made
9 on such last day. For purposes of this paragraph,
10 such two and one-half month period may be ex-
11 tended for not more than six months under regula-
12 tions prescribed by the Secretary of the Treasury.

13 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—
14 Except where otherwise provided in this part, the
15 provisions of section 305(b)(3)(B) shall apply to any
16 determination or projection under this part.

17 **“SEC. 803. REALIGNMENT PROGRAM.**

18 “(a) REALIGNMENT PROGRAM.—

19 “(1) ADOPTION.—In any case in which the plan
20 actuary certifies under section 802(a) that the plan’s
21 projected funded ratio is below 120 percent for the
22 plan year, the plan sponsor shall adopt a realign-
23 ment program under paragraph (2) not later than
24 210 days after the due date of the certification re-
25 quired under such section 802(a). The plan sponsor

1 shall adopt an updated realignment program for
2 each succeeding plan year for which a certification
3 described in the preceding sentence is made.

4 “(2) CONTENT OF REALIGNMENT PROGRAM.—

5 “(A) IN GENERAL.—A realignment pro-
6 gram adopted under this paragraph is a written
7 program which consists of all reasonable meas-
8 ures, including options or a range of options to
9 be undertaken by the plan sponsor or proposed
10 to the bargaining parties, formulated, based on
11 reasonably anticipated experience and reason-
12 able actuarial assumptions, to enable the plan
13 to achieve a projected funded ratio of at least
14 120 percent for the following plan year.

15 “(B) INITIAL PROGRAM ELEMENTS.—Rea-
16 sonable measures under a realignment program
17 described in subparagraph (A) may include any
18 of the following:

19 “(i) Proposed contribution increases.

20 “(ii) A reduction in the rate of future
21 benefit accruals, so long as the resulting
22 rate is not less than 1 percent of the con-
23 tributions on which benefits are based as
24 of the start of the plan year (or the equiva-

1 lent standard accrual rate as described in
2 section 305(e)(6)).

3 “(iii) A modification or elimination of
4 adjustable benefits of participants that are
5 not in pay status before the date of the no-
6 tice required under subsection (b)(1).

7 “(iv) Any other lawfully available
8 measures not specifically described in this
9 subparagraph or subparagraph (C) or (D)
10 that the plan sponsor determines are rea-
11 sonable.

12 “(C) ADDITIONAL PROGRAM ELEMENTS.—

13 If the plan sponsor has determined that all rea-
14 sonable measures available under subparagraph
15 (B) will not enable the plan to achieve a pro-
16 jected funded ratio of at least 120 percent for
17 the following plan year, such reasonable meas-
18 ures may also include—

19 “(i) a reduction of accrued benefits
20 that are not in pay status by the date of
21 the notice required under subsection
22 (b)(1); or

23 “(ii) a reduction of any benefits of
24 participants that are in pay status before
25 the date of the notice required under sub-

1 section (b)(1) other than core benefits as
2 defined in paragraph (4).

3 “(D) ADDITIONAL REDUCTIONS.—In the
4 case of a composite plan for which the plan
5 sponsor has determined that all reasonable
6 measures available under subparagraphs (B)
7 and (C) will not enable the plan to achieve a
8 projected funded ratio of at least 120 percent
9 for the following plan year, such reasonable
10 measures may also include—

11 “(i) a further reduction in the rate of
12 future benefit accruals without regard to
13 the limitation applicable under subpara-
14 graph (B)(ii); or

15 “(ii) a reduction of core benefits,
16 provided that such reductions shall be equitably
17 distributed across the participant and bene-
18 ficiary population, taking into account factors,
19 with respect to participants and beneficiaries
20 and their benefits, that may include one or
21 more of the factors listed in subclauses (I)
22 through (X) of section 305(e)(9)(D)(vi), to the
23 extent necessary to enable the plan to achieve
24 a projected funded ratio of at least 120 percent
25 for the following plan year, or at the election of

1 the plan sponsor, a projected funded ratio of at
2 least 100 percent for the following plan year
3 and a current funded ratio of at least 90 per-
4 cent.

5 “(3) ADJUSTABLE BENEFIT DEFINED.—For
6 purposes of this part, the term ‘adjustable benefit’
7 means—

8 “(A) benefits, rights, and features under
9 the plan, including post-retirement death bene-
10 fits, 60-month guarantees, disability benefits
11 not yet in pay status, and similar benefits;

12 “(B) any early retirement benefit or retire-
13 ment-type subsidy (within the meaning of sec-
14 tion 204(g)(2)(A)) and any benefit payment op-
15 tion (other than the qualified joint and survivor
16 annuity); and

17 “(C) benefit increases that were adopted
18 (or, if later, took effect) less than 60 months
19 before the first day such realignment program
20 took effect.

21 “(4) CORE BENEFIT DEFINED.—For purposes
22 of this part, the term ‘core benefit’ means a partici-
23 pant’s accrued benefit payable in the normal form of
24 an annuity commencing at normal retirement age,
25 determined without regard to—

1 “(A) any early retirement benefits, retire-
2 ment-type subsidies, or other benefits, rights, or
3 features that may be associated with that ben-
4 efit; and

5 “(B) any cost-of-living adjustments or ben-
6 efit increases effective after the date of retire-
7 ment.

8 “(5) COORDINATION WITH CONTRIBUTION IN-
9 CREASES.—

10 “(A) IN GENERAL.—A realignment pro-
11 gram may provide that some or all of the ben-
12 efit modifications described in the program will
13 only take effect if the bargaining parties fail to
14 agree to specified levels of increases in contribu-
15 tions to the plan, effective as of specified dates.

16 “(B) INDEPENDENT BENEFIT MODIFICA-
17 TIONS.—If a realignment program adopts any
18 changes to the benefit formula that are inde-
19 pendent of potential contribution increases,
20 such changes shall take effect not later than
21 180 days after the first day of the first plan
22 year that begins following the adoption of the
23 realignment program.

24 “(C) CONDITIONAL BENEFIT MODIFICA-
25 TIONS.—If a realignment program adopts any

1 changes to the benefit formula that take effect
2 only if the bargaining parties fail to agree to
3 contribution increases, such changes shall take
4 effect not later than the first day of the first
5 plan year beginning after the third anniversary
6 of the date of adoption of the realignment pro-
7 gram.

8 “(D) REVOCATION OF CERTAIN BENEFIT
9 MODIFICATIONS.—Benefit modifications de-
10 scribed in subparagraph (C) may be revoked, in
11 whole or in part, and retroactively or prospec-
12 tively, when contributions to the plan are in-
13 creased, as specified in the realignment pro-
14 gram, including any amendments thereto. The
15 preceding sentence shall not apply unless the
16 contribution increases are to be effective not
17 later than the fifth anniversary of the first day
18 of the first plan year that begins after the
19 adoption of the realignment program.

20 “(b) NOTICE.—

21 “(1) IN GENERAL.—In any case in which it is
22 certified under section 802(a) that the projected
23 funded ratio is less than 120 percent, the plan spon-
24 sor shall, not later than 30 days after the date of
25 the certification, provide notification of the current

1 and projected funded ratios to the participants and
2 beneficiaries, the bargaining parties, and the Sec-
3 retary. Such notice shall include—

4 “(A) an explanation that contribution rate
5 increases or benefit reductions may be nec-
6 essary;

7 “(B) a description of the types of benefits
8 that might be reduced; and

9 “(C) an estimate of the contribution in-
10 creases and benefit reductions that may be nec-
11 essary to achieve a projected funded ratio of
12 120 percent.

13 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

14 “(A) IN GENERAL.—No modifications may
15 be made that reduce the rate of future benefit
16 accrual or that reduce core benefits or adjust-
17 able benefits unless notice of such reduction has
18 been given at least 180 days before the general
19 effective date of such reduction for all partici-
20 pants and beneficiaries to—

21 “(i) plan participants and bene-
22 ficiaries;

23 “(ii) each employer who has an obliga-
24 tion to contribute to the composite plan;
25 and

1 “(iii) each employee organization
2 which, for purposes of collective bar-
3 gaining, represents plan participants em-
4 ployed by such employers.

5 “(B) CONTENT OF NOTICE.—The notice
6 under subparagraph (A) shall contain—

7 “(i) sufficient information to enable
8 participants and beneficiaries to under-
9 stand the effect of any reduction on their
10 benefits, including an illustration of any
11 affected benefit or subsidy, on an annual
12 or monthly basis that a participant or ben-
13 eficiary would otherwise have been eligible
14 for as of the general effective date de-
15 scribed in subparagraph (A); and

16 “(ii) information as to the rights and
17 remedies of plan participants and bene-
18 ficiaries as well as how to contact the De-
19 partment of Labor for further information
20 and assistance, where appropriate.

21 “(C) FORM AND MANNER.—Any notice
22 under subparagraph (A)—

23 “(i) shall be provided in a form and
24 manner prescribed in regulations of the
25 Secretary of Labor;

1 “(ii) shall be written in a manner so
2 as to be understood by the average plan
3 participant.

4 “(3) MODEL NOTICES.—The Secretary shall—

5 “(A) prescribe model notices that the plan
6 sponsor of a composite plan may use to satisfy
7 the notice requirements under this subsection;
8 and

9 “(B) by regulation enumerate any details
10 related to the elements listed in paragraph (1)
11 that any notice under this subsection must in-
12 clude.

13 “(4) DELIVERY METHOD.—Any notice under
14 this part shall be provided in writing and may also
15 be provided in electronic form to the extent that the
16 form is reasonably accessible to persons to whom the
17 notice is provided.

18 **“SEC. 804. LIMITATION ON INCREASING BENEFITS.**

19 “(a) LEVEL OF CURRENT FUNDED RATIOS.—Except
20 as provided in subsections (c), (d), and (e), no plan
21 amendment increasing benefits or establishing new bene-
22 fits under a composite plan may be adopted for a plan
23 year unless—

1 “(1) the plan’s current funded ratio is at least
2 110 percent (without regard to the benefit increase
3 or new benefits);

4 “(2) taking the benefit increase or new benefits
5 into account, the current funded ratio is at least 100
6 percent and the projected funded ratio for the cur-
7 rent plan year is at least 120 percent;

8 “(3) in any case in which, after taking the ben-
9 efit increase or new benefits into account, the cur-
10 rent funded ratio is less than 140 percent and the
11 projected funded ratio is less than 140 percent, the
12 benefit increase or new benefits are projected by the
13 plan actuary to increase the present value of the
14 plan’s liabilities for the plan year by not more than
15 3 percent; and

16 “(4) expected contributions for the current plan
17 year are at least 120 percent of normal cost for the
18 plan year, determined using the unit credit funding
19 method and treating the benefit increase or new ben-
20 efits as in effect for the entire plan year.

21 “(b) **ADDITIONAL REQUIREMENTS WHERE CORE**
22 **BENEFITS REDUCED.**—If a plan has been amended to re-
23 **duce core benefits pursuant to a realignment program**
24 **under section 803(a)(2)(D), such plan may not be subse-**

1 quently amended to increase core benefits unless the
2 amendment—

3 “(1) increases the level of future benefit pay-
4 ments only; and

5 “(2) provides for an equitable distribution of
6 benefit increases across the participant and bene-
7 ficiary population, taking into account the extent to
8 which the benefits of participants were previously re-
9 duced pursuant to such realignment program.

10 “(c) EXCEPTION TO COMPLY WITH APPLICABLE
11 LAW.—Subsection (a) shall not apply in connection with
12 a plan amendment if the amendment is required as a con-
13 dition of qualification under part I of subchapter D of
14 chapter 1 of the Internal Revenue Code of 1986 or to com-
15 ply with other applicable law.

16 “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE
17 LIMIT APPLIES.—Subsection (a) shall not apply in con-
18 nection with a plan amendment if and to the extent that
19 contributions to the composite plan would not be deduct-
20 ible for the plan year under section 404(a)(1)(E) of the
21 Internal Revenue Code of 1986 if the plan amendment is
22 not adopted.

23 “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-
24 TIONS.—Subsection (a) shall not apply in connection with

1 a plan amendment under section 803(a)(5)(C), regarding
2 conditional benefit modifications.

3 “(f) TREATMENT OF PLAN AMENDMENTS.—For pur-
4 poses of this section—

5 “(1) if two or more plan amendments increas-
6 ing benefits or establishing new benefits are adopted
7 in a plan year, such amendments shall be treated as
8 a single amendment adopted on the last day of the
9 plan year;

10 “(2) all benefit increases and new benefits
11 adopted in a single amendment are treated as a sin-
12 gle benefit increase, irrespective of whether the in-
13 creases and new benefits take effect in more than
14 one plan year; and

15 “(3) increases in contributions or decreases in
16 plan liabilities which are scheduled to take effect in
17 future plan years may be taken into account in con-
18 nection with a plan amendment if they have been
19 agreed to in writing or otherwise formalized by the
20 date the plan amendment is adopted.

21 **“SEC. 805. COMPOSITE PLAN RESTRICTIONS TO PRESERVE**
22 **LEGACY PLAN FUNDING.**

23 “(a) TREATMENT AS A LEGACY PLAN.—

24 “(1) IN GENERAL.—For purposes of this part
25 and parts 2 and 3, a defined benefit plan shall be

1 treated as a legacy plan with respect to the com-
2 posite plan under which the employees who were eli-
3 gible to accrue a benefit under the defined benefit
4 plan become eligible to accrue a benefit under such
5 composite plan.

6 “(2) COMPONENT PLANS.—In any case in
7 which a defined benefit plan is amended to add a
8 composite plan component pursuant to section
9 801(b), paragraph (1) shall be applied by sub-
10 stituting ‘defined benefit component’ for ‘defined
11 benefit plan’ and ‘composite plan component’ for
12 ‘composite plan’.

13 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For
14 purposes of paragraph (1), an employee is consid-
15 ered eligible to accrue a benefit under a composite
16 plan as of the first day in which the employee com-
17 pletes an hour of service under a collective bar-
18 gaining agreement that provides for contributions to
19 and accruals under the composite plan in lieu of ac-
20 cruals under the legacy plan.

21 “(4) COLLECTIVE BARGAINING AGREEMENT.—
22 As used in this part, the term ‘collective bargaining
23 agreement’ includes any agreement under which an
24 employer has an obligation to contribute to a plan.

1 “(5) OTHER TERMS.—Any term used in this
2 part which is not defined in this part and which is
3 also used in section 305 shall have the same mean-
4 ing provided such term in such section.

5 “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE
6 PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

7 “(1) IN GENERAL.—The plan sponsor of a com-
8 posite plan shall not accept or recognize a collective
9 bargaining agreement (or any modification to such
10 agreement), and no contributions may be accepted
11 and no benefits may be accrued or otherwise earned
12 under the agreement—

13 “(A) in any case in which the plan actuary
14 of any defined benefit plan that would be treat-
15 ed as a legacy plan with respect to such com-
16 posite plan has certified under section
17 305(b)(3) that such defined benefit plan is or
18 will be in critical status for the plan year in
19 which such agreement would take effect or for
20 any of the succeeding 5 plan years; and

21 “(B) unless the agreement requires each
22 employer who is a party to such agreement, in-
23 cluding employers whose employees are not par-
24 ticipants in the legacy plan, to provide contribu-
25 tions to the legacy plan with respect to such

1 composite plan in a manner that satisfies the
2 transition contribution requirements of sub-
3 section (d).

4 “(2) NOTICE.—Not later than 30 days after a
5 determination by a plan sponsor of a composite plan
6 that an agreement fails to satisfy the requirements
7 described in paragraph (1), the plan sponsor shall
8 provide notification of such failure and the reasons
9 for such determination—

10 “(A) to the parties to the agreement;

11 “(B) to active participants of the com-
12 posite plan who have ceased to accrue or other-
13 wise earn benefits with respect to service with
14 an employer pursuant to paragraph (1); and

15 “(C) to the Secretary, the Secretary of the
16 Treasury, and the Pension Benefit Guaranty
17 Corporation.

18 “(3) LIMITATION ON RETROACTIVE EFFECT.—
19 This subsection shall not apply to benefits accrued
20 before the date on which notice is provided under
21 paragraph (2).

22 “(c) RESTRICTION ON ACCRUAL OF BENEFITS
23 UNDER A COMPOSITE PLAN.—

24 “(1) IN GENERAL.—In any case in which an
25 employer, under a collective bargaining agreement

1 entered into after the date of enactment of the Giv-
2 ing Retirement Options to Workers Act of 2020,
3 ceases to have an obligation to contribute to a multi-
4 employer defined benefit plan, no employees em-
5 ployed by the employer may accrue or otherwise earn
6 benefits under any composite plan, with respect to
7 service with that employer, for a 60-month period
8 beginning on the date on which the employer entered
9 into such collective bargaining agreement.

10 “(2) NOTICE OF CESSATION OF OBLIGATION.—

11 Within 30 days of determining that an employer has
12 ceased to have an obligation to contribute to a leg-
13 acy plan with respect to employees employed by an
14 employer that is or will be contributing to a com-
15 posite plan with respect to service of such employees,
16 the plan sponsor of the legacy plan shall notify the
17 plan sponsor of the composite plan of that cessation.

18 “(3) NOTICE OF CESSATION OF ACCRUALS.—

19 Not later than 30 days after determining that an
20 employer has ceased to have an obligation to con-
21 tribute to a legacy plan, the plan sponsor of the
22 composite plan shall notify the bargaining parties,
23 the active participants affected by the cessation of
24 accruals, the Secretary, the Secretary of the Treas-
25 ury, and the Pension Benefit Guaranty Corporation

1 of the cessation of accruals, the period during which
2 such cessation is in effect, and the reasons therefor.

3 “(4) LIMITATION ON RETROACTIVE EFFECT.—

4 This subsection shall not apply to benefits accrued
5 before the date on which notice is provided under
6 paragraph (3).

7 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

8 “(1) IN GENERAL.—A collective bargaining
9 agreement satisfies the transition contribution re-
10 quirements of this subsection if the agreement—

11 “(A) authorizes payment of contributions
12 to a legacy plan at a rate or rates equal to or
13 greater than the transition contribution rate es-
14 tablished by the legacy plan under paragraph
15 (2); and

16 “(B) does not provide for—

17 “(i) a suspension of contributions to
18 the legacy plan with respect to any period
19 of service; or

20 “(ii) any new direct or indirect exclu-
21 sion of younger or newly hired employees
22 of the employer from being taken into ac-
23 count in determining contributions owed to
24 the legacy plan.

25 “(2) TRANSITION CONTRIBUTION RATE.—

1 “(A) IN GENERAL.—The transition con-
2 tribution rate for a plan year is the contribution
3 rate that, as certified by the actuary of the leg-
4 acy plan in accordance with the principles in
5 section 305(b)(3)(B), is reasonably expected to
6 be adequate—

7 “(i) to fund the normal cost for the
8 plan year;

9 “(ii) to amortize the plan’s unfunded
10 liabilities in level annual installments over
11 25 years, beginning with the plan year in
12 which the transition contribution rate is
13 first established; and

14 “(iii) to amortize any subsequent
15 changes in the legacy plan’s unfunded li-
16 ability due to experience gains or losses
17 (including investment gains or losses, gains
18 or losses due to contributions greater or
19 less than the contributions made under the
20 prior transition contribution rate, and
21 other actuarial gains or losses), changes in
22 actuarial assumptions, changes to the leg-
23 acy plan’s benefits, or changes in funding
24 method over a period of 15 plan years be-

1 ginning with the plan year in which such
2 change in unfunded liability is incurred.

3 The transition contribution rate for any plan
4 year may not be less than the transition con-
5 tribution rate for the plan year in which such
6 rate is first established.

7 “(B) MULTIPLE RATES.—If different rates
8 of contribution are payable to the legacy plan
9 by different employers or for different classes of
10 employees, the certification shall specify a tran-
11 sition contribution rate for each such employer.

12 “(C) RATE APPLICABLE TO EMPLOYER.—

13 “(i) IN GENERAL.—Except as pro-
14 vided by clause (ii), the transition con-
15 tribution rate applicable to an employer for
16 a plan year is the rate in effect for the
17 plan year of the legacy plan that com-
18 mences on or after 180 days before the
19 earlier of—

20 “(I) the effective date of the col-
21 lective bargaining agreement pursuant
22 to which the employer contributes to
23 the legacy plan; or

24 “(II) 5 years after the last plan
25 year for which the transition contribu-

1 tion rate applicable to the employer
2 was established or updated.

3 “(ii) EXCEPTION.—The transition
4 contribution rate applicable to an employer
5 for the first plan year beginning on or
6 after the commencement of the employer’s
7 obligation to contribute to the composite
8 plan is the rate in effect for the plan year
9 of the legacy plan that commences on or
10 after 180 days before such first plan year.

11 “(D) EFFECT OF LEGACY PLAN FINANCIAL
12 CIRCUMSTANCES.—If the plan actuary of the
13 legacy plan has certified under section 305 that
14 the plan is in endangered or critical status for
15 a plan year, the transition contribution rate for
16 the following plan year is the rate determined
17 with respect to the employer under the legacy
18 plan’s funding improvement or rehabilitation
19 plan under section 305, if greater than the rate
20 otherwise determined, but in no event greater
21 than 75 percent of the sum of the contribution
22 rates applicable to the legacy plan and the com-
23 posite plan for the plan year.

24 “(E) OTHER ACTUARIAL ASSUMPTIONS
25 AND METHODS.—Except as provided in sub-

1 paragraph (A), the determination of the transi-
2 tion contribution rate for a plan year shall be
3 based on actuarial assumptions and methods
4 consistent with the minimum funding deter-
5 minations made under section 304 (or, if appli-
6 cable, section 305) with respect to the legacy
7 plan for the plan year.

8 “(F) ADJUSTMENTS IN RATE.—The plan
9 sponsor of a legacy plan from time to time may
10 adjust the transition contribution rate or rates
11 applicable to an employer under this paragraph
12 by increasing some rates and decreasing others
13 if the actuary certifies that such adjusted rates
14 in combination will produce projected contribu-
15 tion income for the plan year beginning on or
16 after the date of certification that is not less
17 than would be produced by the transition con-
18 tribution rates in effect at the time of the cer-
19 tification.

20 “(G) NOTICE OF TRANSITION CONTRIBU-
21 TION RATE.—The plan sponsor of a legacy plan
22 shall provide notice to the parties to collective
23 bargaining agreements pursuant to which con-
24 tributions are made to the legacy plan of
25 changes to the transition contribution rate re-

1 requirements at least 30 days before the begin-
2 ning of the plan year for which the rate is effec-
3 tive.

4 “(H) NOTICE TO COMPOSITE PLAN SPON-
5 SOR.—Not later than 30 days after a deter-
6 mination by the plan sponsor of a legacy plan
7 that a collective bargaining agreement provides
8 for a rate of contributions that is below the
9 transition contribution rate applicable to one or
10 more employers that are parties to the collective
11 bargaining agreement, the plan sponsor of the
12 legacy plan shall notify the plan sponsor of any
13 composite plan under which employees of such
14 employer would otherwise be eligible to accrue
15 a benefit.

16 “(3) CORRECTION PROCEDURES.—Pursuant to
17 standards prescribed by the Secretary, the plan
18 sponsor of a composite plan shall adopt rules and
19 procedures that give the parties to the collective bar-
20 gaining agreement notice of the failure of such
21 agreement to satisfy the transition contribution re-
22 quirements of this subsection, and a reasonable op-
23 portunity to correct such failure, not to exceed 180
24 days from the date of notice given under subsection
25 (b)(2).

1 “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-
2 lective bargaining agreement may provide for supple-
3 mental contributions to the legacy plan for a plan
4 year in excess of the transition contribution rate de-
5 termined under paragraph (2), regardless of whether
6 the legacy plan is in endangered or critical status for
7 such plan year.

8 “(e) NONAPPLICATION OF COMPOSITE PLAN RE-
9 STRICTIONS.—

10 “(1) IN GENERAL.—The provisions of sub-
11 sections (a), (b), and (c) shall not apply with respect
12 to a collective bargaining agreement, to the extent
13 the agreement, or a predecessor agreement, provides
14 or provided for contributions to a defined benefit
15 plan that is a legacy plan, as of the first day of the
16 first plan year following a plan year for which the
17 plan actuary certifies that the plan is fully funded,
18 has been fully funded for at least three out of the
19 immediately preceding 5 plan years, and is projected
20 to remain fully funded for at least the following 4
21 plan years.

22 “(2) DETERMINATION OF FULLY FUNDED.—A
23 plan is fully funded for purposes of paragraph (1)
24 if, as of the valuation date of the plan for a plan
25 year, the value of the plan’s assets equals or exceeds

1 the present value of the plan's liabilities, determined
2 in accordance with the rules prescribed by the Pen-
3 sion Benefit Guaranty Corporation under sections
4 4219(e)(1)(D) and 4281 for multiemployer plans
5 terminating by mass withdrawal, as in effect for the
6 date of the determination, except the plan's reason-
7 able assumption regarding the starting date of bene-
8 fits may be used.

9 “(3) OTHER APPLICABLE RULES.—Except as
10 provided in paragraph (2), actuarial determinations
11 and projections under this section shall be based on
12 the rules in section 305(b)(3) and section 802(b).

13 **“SEC. 806. MERGERS AND ASSET TRANSFERS OF COM-**
14 **POSITE PLANS.**

15 “(a) IN GENERAL.—Assets and liabilities of a com-
16 posite plan may only be merged with, or transferred to,
17 another plan if—

18 “(1) the other plan is a composite plan;

19 “(2) the plan or plans resulting from the merg-
20 er or transfer is a composite plan;

21 “(3) no participant's accrued benefit or adjust-
22 able benefit is lower immediately after the trans-
23 action than it was immediately before the trans-
24 action; and

1 “(4) the value of the assets transferred in the
2 case of a transfer reasonably reflects the value of the
3 amounts contributed with respect to the participants
4 whose benefits are being transferred, adjusted for al-
5 locable distributions, investment gains and losses,
6 and administrative expenses.

7 “(b) LEGACY PLAN.—

8 “(1) IN GENERAL.—After a merger or transfer
9 involving a composite plan, the legacy plan with re-
10 spect to an employer that is obligated to contribute
11 to the resulting composite plan is the legacy plan
12 that applied to that employer immediately before the
13 merger or transfer.

14 “(2) MULTIPLE LEGACY PLANS.—If an em-
15 ployer is obligated to contribute to more than one
16 legacy plan with respect to employees eligible to ac-
17 crue benefits under more than one composite plan
18 and there is a merger or transfer of such legacy
19 plans, the transition contribution rate applicable to
20 the legacy plan resulting from the merger or trans-
21 fer with respect to that employer shall be determined
22 in accordance with the provisions of section
23 805(d)(2)(B).”.

24 (2) PENALTIES.—

1 (A) CIVIL ENFORCEMENT OF FAILURE TO
2 COMPLY WITH REALIGNMENT PROGRAM.—Sec-
3 tion 502(a) of such Act (29 U.S.C. 1132(a)) is
4 amended—

5 (i) in paragraph (10), by striking “or”
6 at the end;

7 (ii) in paragraph (11), by striking the
8 period at the end and inserting “; or”; and

9 (iii) by adding at the end the fol-
10 lowing:

11 “(12) in the case of a composite plan required
12 to adopt a realignment program under section 803,
13 if the plan sponsor—

14 “(A) has not adopted a realignment pro-
15 gram under that section by the deadline estab-
16 lished in such section; or

17 “(B) fails to update or comply with the
18 terms of the realignment program in accordance
19 with the requirements of such section,

20 by the Secretary, by an employer that has an obliga-
21 tion to contribute with respect to the composite plan,
22 or by an employee organization that represents ac-
23 tive participants in the composite plan, for an order
24 compelling the plan sponsor to adopt a realignment
25 program, or to update or comply with the terms of

1 the realignment program, in accordance with the re-
2 quirements of such section and the realignment pro-
3 gram.”.

4 (B) CIVIL PENALTIES.—Section 502(c) of
5 such Act (29 U.S.C. 1132(c)) is amended—

6 (i) by moving paragraphs (8), (10),
7 and (12) each 2 ems to the left;

8 (ii) by redesignating paragraphs (9)
9 through (12) as paragraphs (12) through
10 (15), respectively; and

11 (iii) by inserting after paragraph (8)
12 the following:

13 “(9) The Secretary may assess against any plan
14 sponsor of a composite plan a civil penalty of not
15 more than \$1,100 per day for each violation by such
16 sponsor—

17 “(A) of the requirement under section
18 802(a) on the plan actuary to certify the plan’s
19 current or projected funded ratio by the date
20 specified in such subsection; or

21 “(B) of the requirement under section 803
22 to adopt a realignment program by the deadline
23 established in that section and to comply with
24 its terms.

1 “(10)(A) The Secretary may assess against any
2 plan sponsor of a composite plan a civil penalty of
3 not more than \$100 per day for each violation by
4 such sponsor of the requirement under section
5 803(b) to provide notice as described in such section,
6 except that no penalty may be assessed in any case
7 in which the plan sponsor exercised reasonable dili-
8 gence to meet the requirements of such section
9 and—

10 “(i) the plan sponsor did not know that the
11 violation existed; or

12 “(ii) the plan sponsor provided such notice
13 during the 30-day period beginning on the first
14 date on which the plan sponsor knew, or in ex-
15 ercising reasonable due diligence should have
16 known, that such violation existed.

17 “(B) In any case in which the plan sponsor ex-
18 ercised reasonable diligence to meet the require-
19 ments of section 803(b)—

20 “(i) the total penalty assessed under this
21 paragraph against such sponsor for a plan year
22 may not exceed \$500,000; and

23 “(ii) the Secretary may waive part or all of
24 such penalty to the extent that the payment of

1 such penalty would be excessive or otherwise in-
2 equitable relative to the violation involved.

3 “(11) The Secretary may assess against any
4 plan sponsor of a composite plan a civil penalty of
5 not more than \$100 per day for each violation by
6 such sponsor of the notice requirements under sec-
7 tions 801(b)(5) and 805(b)(2).”.

8 (3) CONFORMING AMENDMENT.—The table of
9 contents in section 1 of such Act (29 U.S.C. 1001
10 note) is amended by inserting after the item relating
11 to section 734 the following:

“PART 8—COMPOSITE PLANS AND LEGACY PLANS

“Sec. 801. Composite plan defined.

“Sec. 802. Funded ratios; actuarial assumptions.

“Sec. 803. Realignment program.

“Sec. 804. Limitation on increasing benefits.

“Sec. 805. Composite plan restrictions to preserve legacy plan funding.

“Sec. 806. Mergers and asset transfers of composite plans.”.

12 (b) AMENDMENT TO THE INTERNAL REVENUE CODE
13 OF 1986.—

14 (1) IN GENERAL.—Part III of subchapter D of
15 chapter 1 of the Internal Revenue Code of 1986 is
16 amended by adding at the end the following:

17 **“Subpart C—Composite Plans and Legacy Plans**

“Sec. 437. Composite plan defined.

“Sec. 438. Funded ratios; actuarial assumptions.

“Sec. 439. Realignment program.

“Sec. 440. Limitation on increasing benefits.

“Sec. 440A. Composite plan restrictions to preserve legacy plan funding.

“Sec. 440B. Mergers and asset transfers of composite plans.

1 **“SEC. 437. COMPOSITE PLAN DEFINED.**

2 “(a) IN GENERAL.—For purposes of this title, the
3 term ‘composite plan’ means a pension plan—

4 “(1) which is a multiemployer plan that is nei-
5 ther a defined benefit plan nor a defined contribu-
6 tion plan,

7 “(2) the terms of which provide that the plan
8 is a composite plan for purposes of this title with re-
9 spect to which not more than one multiemployer de-
10 fined benefit plan is treated as a legacy plan within
11 the meaning of section 440A, unless there is more
12 than one legacy plan following a merger of composite
13 plans under section 440B,

14 “(3) which provides systematically for the pay-
15 ment of benefits—

16 “(A) objectively calculated pursuant to a
17 formula enumerated in the plan document with
18 respect to plan participants after retirement,
19 for life, and

20 “(B) in the form of life annuities, except
21 for benefits which under section 411(a)(11)
22 may be immediately distributed without the
23 consent of the participant,

24 “(4) for which the plan contributions for the
25 first plan year are at least 120 percent of the nor-
26 mal cost for the plan year,

1 “(5) which requires—

2 “(A) an annual valuation of the liability of
3 the plan as of a date within the plan year to
4 which the valuation refers or within one month
5 prior to the beginning of such year,

6 “(B) an annual actuarial determination of
7 the plan’s current funded ratio and projected
8 funded ratio under section 438(a),

9 “(C) corrective action through a realign-
10 ment program pursuant to section 439 when-
11 ever the plan’s projected funded ratio is below
12 120 percent for the plan year, and

13 “(D) an annual notification to each partici-
14 pant describing the participant’s benefits under
15 the plan and explaining that such benefits may
16 be subject to reduction under a realignment
17 program pursuant to section 439 based on the
18 plan’s funded status in future plan years, and

19 “(6) the board of trustees of which includes at
20 least one retiree or beneficiary in pay status during
21 each plan year following the first plan year in which
22 at least 5 percent of the participants in the plan are
23 retirees or beneficiaries in pay status.

24 “(b) TRANSITION FROM A MULTIEMPLOYER DE-
25 FINED BENEFIT PLAN.—

1 “(1) IN GENERAL.—The plan sponsor of a de-
2 fined benefit plan that is a multiemployer plan may,
3 subject to paragraph (2), amend the plan to incor-
4 porate the features of a composite plan as a compo-
5 nent of the multiemployer plan separate from the
6 defined benefit plan component, except in the case of
7 a defined benefit plan for which the plan actuary has
8 certified under section 432(b)(3) that the plan is or
9 will be in critical status for the plan year in which
10 such amendment would become effective or for any
11 of the succeeding 5 plan years.

12 “(2) REQUIREMENTS.—Any amendment pursu-
13 ant to paragraph (1) to incorporate the features of
14 a composite plan as a component of a multiemployer
15 plan shall—

16 “(A) apply with respect to all collective
17 bargaining agreements providing for contribu-
18 tions to the multiemployer plan on or after the
19 effective date of the amendment,

20 “(B) apply with respect to all participants
21 in the multiemployer plan for whom contribu-
22 tions are made to the multiemployer plan on or
23 after the effective date of the amendment,

24 “(C) specify that the effective date of the
25 amendment is—

1 “(i) the first day of a specified plan
2 year following the date of the adoption of
3 the amendment, except that the plan spon-
4 sor may alternatively provide for a sepa-
5 rate effective date with respect to each col-
6 lective bargaining agreement under which
7 contributions to the multiemployer plan
8 are required, which shall occur on the first
9 day of the first plan year beginning after
10 the termination, or if earlier, the re-open-
11 ing, of each such agreement, or such ear-
12 lier date as the parties to the agreement
13 and the plan sponsor of the multiemployer
14 plan shall agree to, and

15 “(ii) not later than the first day of the
16 fifth plan year beginning on or after the
17 date of the adoption of the amendment,

18 “(D) specify that, as of the amendment’s
19 effective date, no further benefits shall accrue
20 under the defined benefit component of the
21 multiemployer plan, and

22 “(E) specify that, as of the amendment’s
23 effective date, the plan sponsor of the multiem-
24 ployer plan shall be the plan sponsor of both

1 the composite plan component and the defined
2 benefit plan component of the plan.

3 “(3) SPECIAL RULES.—If a multiemployer plan
4 is amended pursuant to paragraph (1)—

5 “(A) the requirements of this title shall be
6 applied to the composite plan component and
7 the defined benefit plan component of the mul-
8 tiemployer plan as if each such component were
9 maintained as a separate plan, and

10 “(B) the assets of the composite plan com-
11 ponent and the defined benefit plan component
12 of the plan shall be held in a single trust form-
13 ing part of the plan under which the trust in-
14 strument expressly provides—

15 “(i) for separate accounts (and appro-
16 priate records) to be maintained to reflect
17 the interest which each of the plan compo-
18 nents has in the trust, including separate
19 accounting for additions to the trust for
20 the benefit of each plan component, dis-
21 bursements made from each plan compo-
22 nent’s account in the trust, investment ex-
23 perience of the trust allocable to that ac-
24 count, and administrative expenses (wheth-
25 er direct expenses or shared expenses allo-

1 cated proportionally), and permits, but
2 does not require, the pooling of some or all
3 of the assets of the two plan components
4 for investment purposes, and

5 “(ii) that the assets of each of the two
6 plan components shall be held, invested,
7 reinvested, managed, administered and dis-
8 tributed for the exclusive benefit of the
9 participants and beneficiaries of each such
10 plan component, and in no event shall the
11 assets of one of the plan components be
12 available to pay benefits due under the
13 other plan component.

14 “(4) NOT A TERMINATION EVENT.—Notwith-
15 standing section 4041A of the Employee Retirement
16 Income Security Act of 1974, an amendment pursu-
17 ant to paragraph (1) to incorporate the features of
18 a composite plan as a component of a multiemployer
19 plan does not constitute termination of the multiem-
20 ployer plan.

21 “(5) NOTICE TO THE SECRETARY.—

22 “(A) NOTICE.—The plan sponsor of a
23 composite plan shall provide notice to the Sec-
24 retary of the intent to establish the composite
25 plan (or, in the case of a composite plan incor-

1 porated as a component of a multiemployer
2 plan as described in paragraph (1), the intent
3 to amend the multiemployer plan to incorporate
4 such composite plan) at least 30 days prior to
5 the effective date of such establishment or
6 amendment.

7 “(B) CERTIFICATION.—In the case of a
8 composite plan incorporated as a component of
9 a multiemployer plan as described in paragraph
10 (1), such notice shall include a certification by
11 the plan actuary under section 432(b)(3) that
12 the effective date of the amendment occurs in
13 a plan year for which the multiemployer plan is
14 not in critical status for that plan year and any
15 of the succeeding 5 plan years.

16 “(6) REFERENCES TO COMPOSITE PLAN COM-
17 PONENT.—As used in this subpart, the term ‘com-
18 posite plan’ includes a composite plan component
19 added to a defined benefit plan pursuant to para-
20 graph (1).

21 “(7) RULE OF CONSTRUCTION.—Paragraph
22 (2)(A) shall not be construed as preventing the plan
23 sponsor of a multiemployer plan from adopting an
24 amendment pursuant to paragraph (1) because some
25 collective bargaining agreements are amended to

1 cease any covered employer’s obligation to contribute
2 to the multiemployer plan before or after the plan
3 amendment is effective. Paragraph (2)(B) shall not
4 be construed as preventing the plan sponsor of a
5 multiemployer plan from adopting an amendment
6 pursuant to paragraph (1) because some partici-
7 pants cease to have contributions made to the multi-
8 employer plan on their behalf before or after the
9 plan amendment is effective.

10 “(c) COORDINATION WITH FUNDING RULES.—Ex-
11 cept as otherwise provided in this title, sections 412, 431,
12 and 432 shall not apply to a composite plan.

13 “(d) TREATMENT OF A COMPOSITE PLAN.—For pur-
14 poses of this title (other than sections 412 and 418E),
15 a composite plan shall be treated as if it were a defined
16 benefit plan unless a different treatment is provided for
17 under applicable law.

18 **“SEC. 438. FUNDED RATIOS; ACTUARIAL ASSUMPTIONS.**

19 “(a) CERTIFICATION OF FUNDED RATIOS.—

20 “(1) IN GENERAL.—Not later than the one-
21 hundred twentieth day of each plan year of a com-
22 posite plan, the plan actuary of the composite plan
23 shall certify to the Secretary, the Secretary of
24 Labor, and the plan sponsor the plan’s current fund-

1 ed ratio and projected funded ratio for the plan
2 year.

3 “(2) DETERMINATION OF CURRENT FUNDED
4 RATIO AND PROJECTED FUNDED RATIO.—For pur-
5 poses of this section—

6 “(A) CURRENT FUNDED RATIO.—The cur-
7 rent funded ratio is the ratio (expressed as a
8 percentage) of—

9 “(i) the value of the plan’s assets as
10 of the first day of the plan year, to

11 “(ii) the plan actuary’s best estimate
12 of the present value of the plan liabilities
13 as of the first day of the plan year.

14 “(B) PROJECTED FUNDED RATIO.—The
15 projected funded ratio is the current funded
16 ratio projected to the first day of the fifteenth
17 plan year following the plan year for which the
18 determination is being made.

19 “(3) CONSIDERATION OF CONTRIBUTION RATE
20 INCREASES.—For purposes of projections under this
21 subsection, the plan sponsor may anticipate con-
22 tribution rate increases beyond the term of the cur-
23 rent collective bargaining agreement and any agreed-
24 to supplements, up to a maximum of 2.5 percent per
25 year, compounded annually, unless it would be un-

1 reasonable under the circumstances to assume that
2 contributions would increase by that amount.

3 “(b) ACTUARIAL ASSUMPTIONS AND METHODS.—

4 For purposes of this part—

5 “(1) IN GENERAL.—All costs, liabilities, rates
6 of interest, and other factors under the plan shall be
7 determined for a plan year on the basis of actuarial
8 assumptions and methods—

9 “(A) each of which is reasonable (taking
10 into account the experience of the plan and rea-
11 sonable expectations),

12 “(B) which, in combination, offer the actu-
13 ary’s best estimate of anticipated experience
14 under the plan, and

15 “(C) with respect to which any change
16 from the actuarial assumptions and methods
17 used in the previous plan year shall be certified
18 by the plan actuary and the actuarial rationale
19 for such change provided in the annual report
20 required by section 6058.

21 “(2) FAIR MARKET VALUE OF ASSETS.—The
22 value of the plan’s assets shall be taken into account
23 on the basis of their fair market value.

24 “(3) DETERMINATION OF NORMAL COST AND
25 PLAN LIABILITIES.—A plan’s normal cost and liabil-

1 ities shall be based on the most recent actuarial
2 valuation required under section 437(a)(5)(A) and
3 the unit credit funding method.

4 “(4) TIME WHEN CERTAIN CONTRIBUTIONS
5 DEEMED MADE.—Any contributions for a plan year
6 made by an employer after the last day of such plan
7 year, but not later than two and one-half months
8 after such day, shall be deemed to have been made
9 on such last day. For purposes of this paragraph,
10 such two and one-half month period may be ex-
11 tended for not more than six months under regula-
12 tions prescribed by the Secretary.

13 “(5) ADDITIONAL ACTUARIAL ASSUMPTIONS.—
14 Except where otherwise provided in this subpart, the
15 provisions of section 432(b)(3)(B) shall apply to any
16 determination or projection under this subpart.

17 **“SEC. 439. REALIGNMENT PROGRAM.**

18 “(a) REALIGNMENT PROGRAM.—

19 “(1) ADOPTION.—In any case in which the plan
20 actuary certifies under section 438(a) that the plan’s
21 projected funded ratio is below 120 percent for the
22 plan year, the plan sponsor shall adopt a realign-
23 ment program under paragraph (2) not later than
24 210 days after the due date of the certification re-
25 quired under section 438(a). The plan sponsor shall

1 adopt an updated realignment program for each suc-
2 ceeding plan year for which a certification described
3 in the preceding sentence is made.

4 “(2) CONTENT OF REALIGNMENT PROGRAM.—

5 “(A) IN GENERAL.—A realignment pro-
6 gram adopted under this paragraph is a written
7 program which consists of all reasonable meas-
8 ures, including options or a range of options to
9 be undertaken by the plan sponsor or proposed
10 to the bargaining parties, formulated, based on
11 reasonably anticipated experience and reason-
12 able actuarial assumptions, to enable the plan
13 to achieve a projected funded ratio of at least
14 120 percent for the following plan year.

15 “(B) INITIAL PROGRAM ELEMENTS.—Rea-
16 sonable measures under a realignment program
17 described in subparagraph (A) may include any
18 of the following:

19 “(i) Proposed contribution increases.

20 “(ii) A reduction in the rate of future
21 benefit accruals, so long as the resulting
22 rate shall not be less than 1 percent of the
23 contributions on which benefits are based
24 as of the start of the plan year (or the

1 equivalent standard accrual rate as de-
2 scribed in section 432(e)(6)).

3 “(iii) A modification or elimination of
4 adjustable benefits of participants that are
5 not in pay status before the date of the no-
6 tice required under subsection (b)(1).

7 “(iv) Any other legally available meas-
8 ures not specifically described in this sub-
9 paragraph or subparagraph (C) or (D)
10 that the plan sponsor determines are rea-
11 sonable.

12 “(C) ADDITIONAL PROGRAM ELEMENTS.—

13 If the plan sponsor has determined that all rea-
14 sonable measures available under subparagraph
15 (B) will not enable the plan to achieve a pro-
16 jected funded ratio of at least 120 percent the
17 following plan year, such reasonable measures
18 may also include—

19 “(i) a reduction of accrued benefits
20 that are not in pay status by the date of
21 the notice required under subsection
22 (b)(1), or

23 “(ii) a reduction of any benefits of
24 participants that are in pay status before
25 the date of the notice required under sub-

1 section (b)(1) other than core benefits as
2 defined in paragraph (4).

3 “(D) ADDITIONAL REDUCTIONS.—In the
4 case of a composite plan for which the plan
5 sponsor has determined that all reasonable
6 measures available under subparagraphs (B)
7 and (C) will not enable the plan to achieve a
8 projected funded ratio of at least 120 percent
9 for the following plan year, such reasonable
10 measures may also include—

11 “(i) a further reduction in the rate of
12 future benefit accruals without regard to
13 the limitation applicable under subpara-
14 graph (B)(ii), or

15 “(ii) a reduction of core benefits,
16 provided that such reductions shall be equitably
17 distributed across the participant and bene-
18 ficiary population, taking into account factors,
19 with respect to participants and beneficiaries
20 and their benefits, that may include one or
21 more of the factors listed in subclauses (I)
22 through (X) of section 432(e)(9)(D)(vi), to the
23 extent necessary to enable the plan to achieve
24 a projected funded ratio of at least 120 percent
25 for the following plan year, or at the election of

1 the plan sponsor, a projected funded ratio of at
2 least 100 percent for the following plan year
3 and a current funded ratio of at least 90 per-
4 cent.

5 “(3) ADJUSTABLE BENEFIT DEFINED.—For
6 purposes of this subpart, the term ‘adjustable ben-
7 efit’ means—

8 “(A) benefits, rights, and features under
9 the plan, including post-retirement death bene-
10 fits, 60-month guarantees, disability benefits
11 not yet in pay status, and similar benefits,

12 “(B) any early retirement benefit or retire-
13 ment-type subsidy (within the meaning of sec-
14 tion 411(d)(6)(B)(i)) and any benefit payment
15 option (other than the qualified joint and sur-
16 vivor annuity), and

17 “(C) benefit increases that were adopted
18 (or, if later, took effect) less than 60 months
19 before the first day such realignment program
20 took effect.

21 “(4) CORE BENEFIT DEFINED.—For purposes
22 of this subpart, the term ‘core benefit’ means a par-
23 ticipant’s accrued benefit payable in the normal form
24 of an annuity commencing at normal retirement age,
25 determined without regard to—

1 “(A) any early retirement benefits, retire-
2 ment-type subsidies, or other benefits, rights, or
3 features that may be associated with that ben-
4 efit, and

5 “(B) any cost-of-living adjustments or ben-
6 efit increases effective after the date of retire-
7 ment.

8 “(5) COORDINATION WITH CONTRIBUTION IN-
9 CREASES.—

10 “(A) IN GENERAL.—A realignment pro-
11 gram may provide that some or all of the ben-
12 efit modifications described in the program will
13 only take effect if the bargaining parties fail to
14 agree to specified levels of increases in contribu-
15 tions to the plan, effective as of specified dates.

16 “(B) INDEPENDENT BENEFIT MODIFICA-
17 TIONS.—If a realignment program adopts any
18 changes to the benefit formula that are inde-
19 pendent of potential contribution increases,
20 such changes shall take effect not later than
21 180 days following the first day of the first
22 plan year that begins following the adoption of
23 the realignment program.

24 “(C) CONDITIONAL BENEFIT MODIFICA-
25 TIONS.—If a realignment program adopts any

1 changes to the benefit formula that take effect
2 only if the bargaining parties fail to agree to
3 contribution increases, such changes shall take
4 effect not later than the first day of the first
5 plan year beginning after the third anniversary
6 of the date of adoption of the realignment pro-
7 gram.

8 “(D) REVOCATION OF CERTAIN BENEFIT
9 MODIFICATIONS.—Benefit modifications de-
10 scribed in paragraph (3) may be revoked, in
11 whole or in part, and retroactively or prospec-
12 tively, when contributions to the plan are in-
13 creased, as specified in the realignment pro-
14 gram, including any amendments thereto. The
15 preceding sentence shall not apply unless the
16 contribution increases are to be effective not
17 later than the fifth anniversary of the first day
18 of the first plan year that begins after the
19 adoption of the realignment program.

20 “(b) NOTICE.—

21 “(1) IN GENERAL.—In any case in which it is
22 certified under section 438(a) that the projected
23 funded ratio is less than 120 percent, the plan spon-
24 sor shall, not later than 30 days after the date of
25 the certification, provide notification of the current

1 and projected funded ratios to the participants and
2 beneficiaries, the bargaining parties, and the Sec-
3 retary. Such notice shall include—

4 “(A) an explanation that contribution rate
5 increases or benefit reductions may be nec-
6 essary,

7 “(B) a description of the types of benefits
8 that might be reduced, and

9 “(C) an estimate of the contribution in-
10 creases and benefit reductions that may be nec-
11 essary to achieve a projected funded ratio of
12 120 percent.

13 “(2) NOTICE OF BENEFIT MODIFICATIONS.—

14 “(A) IN GENERAL.—No modifications may
15 be made that reduce the rate of future benefit
16 accrual or that reduce core benefits or adjust-
17 able benefits unless notice of such reduction has
18 been given at least 180 days before the general
19 effective date of such reduction for all partici-
20 pants and beneficiaries to—

21 “(i) plan participants and bene-
22 ficiaries,

23 “(ii) each employer who has an obliga-
24 tion to contribute to the composite plan,
25 and

1 “(iii) each employee organization
2 which, for purposes of collective bar-
3 gaining, represents plan participants em-
4 ployed by such employers.

5 “(B) CONTENT OF NOTICE.—The notice
6 under subparagraph (A) shall contain—

7 “(i) sufficient information to enable
8 participants and beneficiaries to under-
9 stand the effect of any reduction on their
10 benefits, including an illustration of any
11 affected benefit or subsidy, on an annual
12 or monthly basis that a participant or ben-
13 eficiary would otherwise have been eligible
14 for as of the general effective date de-
15 scribed in subparagraph (A), and

16 “(ii) information as to the rights and
17 remedies of plan participants and bene-
18 ficiaries as well as how to contact the De-
19 partment of Labor for further information
20 and assistance, where appropriate.

21 “(C) FORM AND MANNER.—Any notice
22 under subparagraph (A)—

23 “(i) shall be provided in a form and
24 manner prescribed in regulations of the
25 Secretary of Labor,

1 “(ii) shall be written in a manner so
2 as to be understood by the average plan
3 participant.

4 “(3) MODEL NOTICES.—The Secretary shall—

5 “(A) prescribe model notices that the plan
6 sponsor of a composite plan may use to satisfy
7 the notice requirements under this subsection,
8 and

9 “(B) by regulation enumerate any details
10 related to the elements listed in paragraph (1)
11 that any notice under this subsection must in-
12 clude.

13 “(4) DELIVERY METHOD.—Any notice under
14 this part shall be provided in writing and may also
15 be provided in electronic form to the extent that the
16 form is reasonably accessible to persons to whom the
17 notice is provided.

18 **“SEC. 440. LIMITATION ON INCREASING BENEFITS.**

19 “(a) LEVEL OF CURRENT FUNDED RATIOS.—Except
20 as provided in subsections (c), (d), and (e), no plan
21 amendment increasing benefits or establishing new bene-
22 fits under a composite plan may be adopted for a plan
23 year unless—

1 “(1) the plan’s current funded ratio is at least
2 110 percent (without regard to the benefit increase
3 or new benefits),

4 “(2) taking the benefit increase or new benefits
5 into account, the current funded ratio is at least 100
6 percent and the projected funded ratio for the cur-
7 rent plan year is at least 120 percent,

8 “(3) in any case in which, after taking the ben-
9 efit increase or new benefits into account, the cur-
10 rent funded ratio is less than 140 percent or the
11 projected funded ratio is less than 140 percent, the
12 benefit increase or new benefits are projected by the
13 plan actuary to increase the present value of the
14 plan’s liabilities for the plan year by not more than
15 3 percent, and

16 “(4) expected contributions for the current plan
17 year are at least 120 percent of normal cost for the
18 plan year, determined using the unit credit funding
19 method and treating the benefit increase or new ben-
20 efits as in effect for the entire plan year.

21 “(b) **ADDITIONAL REQUIREMENTS WHERE CORE**
22 **BENEFITS REDUCED.**—If a plan has been amended to re-
23 duce core benefits pursuant to a realignment program
24 under section 439(a)(2)(D), such plan may not be subse-

1 frequently amended to increase core benefits unless the
2 amendment—

3 “(1) increases the level of future benefit pay-
4 ments only, and

5 “(2) provides for an equitable distribution of
6 benefit increases across the participant and bene-
7 ficiary population, taking into account the extent to
8 which the benefits of participants were previously re-
9 duced pursuant to such realignment program.

10 “(c) EXCEPTION TO COMPLY WITH APPLICABLE
11 LAW.—Subsection (a) shall not apply in connection with
12 a plan amendment if the amendment is required as a con-
13 dition of qualification under part I of subchapter D of
14 chapter 1 or to comply with other applicable law.

15 “(d) EXCEPTION WHERE MAXIMUM DEDUCTIBLE
16 LIMIT APPLIES.—Subsection (a) shall not apply in con-
17 nection with a plan amendment if and to the extent that
18 contributions to the composite plan would not be deduct-
19 ible for the plan year under section 404(a)(1)(E) if the
20 plan amendment is not adopted. The Secretary of the
21 Treasury shall issue regulations to implement this para-
22 graph.

23 “(e) EXCEPTION FOR CERTAIN BENEFIT MODIFICA-
24 TIONS.—Subsection (a) shall not apply in connection with

1 a plan amendment under section 439(a)(5)(C), regarding
2 conditional benefit modifications.

3 “(f) TREATMENT OF PLAN AMENDMENTS.—For pur-
4 poses of this section—

5 “(1) if two or more plan amendments increas-
6 ing benefits or establishing new benefits are adopted
7 in a plan year, such amendments shall be treated as
8 a single amendment adopted on the last day of the
9 plan year,

10 “(2) all benefit increases and new benefits
11 adopted in a single amendment are treated as a sin-
12 gle benefit increase, irrespective of whether the in-
13 creases and new benefits take effect in more than
14 one plan year, and

15 “(3) increases in contributions or decreases in
16 plan liabilities which are scheduled to take effect in
17 future plan years may be taken into account in con-
18 nection with a plan amendment if they have been
19 agreed to in writing or otherwise formalized by the
20 date the plan amendment is adopted.

21 **“SEC. 440A. COMPOSITE PLAN RESTRICTIONS TO PRE-
22 SERVE LEGACY PLAN FUNDING.**

23 “(a) TREATMENT AS A LEGACY PLAN.—

24 “(1) IN GENERAL.—For purposes of this sub-
25 chapter, a defined benefit plan shall be treated as a

1 legacy plan with respect to the composite plan under
2 which the employees who were eligible to accrue a
3 benefit under the defined benefit plan become eligi-
4 ble to accrue a benefit under such composite plan.

5 “(2) COMPONENT PLANS.—In any case in
6 which a defined benefit plan is amended to add a
7 composite plan component pursuant to section
8 437(b), paragraph (1) shall be applied by sub-
9 stituting ‘defined benefit component’ for ‘defined
10 benefit plan’ and ‘composite plan component’ for
11 ‘composite plan’.

12 “(3) ELIGIBLE TO ACCRUE A BENEFIT.—For
13 purposes of paragraph (1), an employee is consid-
14 ered eligible to accrue a benefit under a composite
15 plan as of the first day in which the employee com-
16 pletes an hour of service under a collective bar-
17 gaining agreement that provides for contributions to
18 and accruals under the composite plan in lieu of ac-
19 cruals under the legacy plan.

20 “(4) COLLECTIVE BARGAINING AGREEMENT.—
21 As used in this subpart, the term ‘collective bar-
22 gaining agreement’ includes any agreement under
23 which an employer has an obligation to contribute to
24 a plan.

1 “(5) OTHER TERMS.—Any term used in this
2 subpart which is not defined in this part and which
3 is also used in section 432 shall have the same
4 meaning provided such term in such section.

5 “(b) RESTRICTIONS ON ACCEPTANCE BY COMPOSITE
6 PLAN OF AGREEMENTS AND CONTRIBUTIONS.—

7 “(1) IN GENERAL.—The plan sponsor of a com-
8 posite plan shall not accept or recognize a collective
9 bargaining agreement (or any modification to such
10 agreement), and no contributions may be accepted
11 and no benefits may be accrued or otherwise earned
12 under the agreement—

13 “(A) in any case in which the plan actuary
14 of any defined benefit plan that would be treat-
15 ed as a legacy plan with respect to such com-
16 posite plan has certified under section
17 432(b)(3) that such defined benefit plan is or
18 will be in critical status for the plan year in
19 which such agreement would take effect or for
20 any of the succeeding 5 plan years, and

21 “(B) unless the agreement requires each
22 employer who is a party to such agreement, in-
23 cluding employers whose employees are not par-
24 ticipants in the legacy plan, to provide contribu-
25 tions to the legacy plan with respect to such

1 composite plan in a manner that satisfies the
2 transition contribution requirements of sub-
3 section (d).

4 “(2) NOTICE.—Not later than 30 days after a
5 determination by a plan sponsor of a composite plan
6 that an agreement fails to satisfy the requirements
7 described in paragraph (1), the plan sponsor shall
8 provide notification of such failure and the reasons
9 for such determination to—

10 “(A) the parties to the agreement,

11 “(B) active participants of the composite
12 plan who have ceased to accrue or otherwise
13 earn benefits with respect to service with an
14 employer pursuant to paragraph (1), and

15 “(C) the Secretary of Labor, the Secretary
16 of the Treasury, and the Pension Benefit Guar-
17 anty Corporation.

18 “(3) LIMITATION ON RETROACTIVE EFFECT.—
19 This subsection shall not apply to benefits accrued
20 before the date on which notice is provided under
21 paragraph (2).

22 “(c) RESTRICTION ON ACCRUAL OF BENEFITS
23 UNDER A COMPOSITE PLAN.—

24 “(1) IN GENERAL.—In any case in which an
25 employer, under a collective bargaining agreement

1 entered into after the date of enactment of the Giv-
2 ing Retirement Options to Workers Act of 2020,
3 ceases to have an obligation to contribute to a multi-
4 employer defined benefit plan, no employees em-
5 ployed by the employer may accrue or otherwise earn
6 benefits under any composite plan, with respect to
7 service with that employer, for a 60-month period
8 beginning on the date on which the employer entered
9 into such collective bargaining agreement.

10 “(2) NOTICE OF CESSATION OF OBLIGATION.—

11 Within 30 days of determining that an employer has
12 ceased to have an obligation to contribute to a leg-
13 acy plan with respect to employees employed by an
14 employer that is or will be contributing to a com-
15 posite plan with respect to service of such employees,
16 the plan sponsor of the legacy plan shall notify the
17 plan sponsor of the composite plan of that cessation.

18 “(3) NOTICE OF CESSATION OF ACCRUALS.—

19 Not later than 30 days after determining that an
20 employer has ceased to have an obligation to con-
21 tribute to a legacy plan, the plan sponsor of the
22 composite plan shall notify the bargaining parties,
23 the active participants affected by the cessation of
24 accruals, the Secretary, the Secretary of Labor, and
25 the Pension Benefit Guaranty Corporation of the

1 cessation of accruals, the period during which such
2 cessation is in effect, and the reasons therefor.

3 “(4) LIMITATION ON RETROACTIVE EFFECT.—

4 This subsection shall not apply to benefits accrued
5 before the date on which notice is provided under
6 paragraph (3).

7 “(d) TRANSITION CONTRIBUTION REQUIREMENTS.—

8 “(1) IN GENERAL.—A collective bargaining
9 agreement satisfies the transition contribution re-
10 quirements of this subsection if the agreement—

11 “(A) authorizes for payment of contribu-
12 tions to a legacy plan at a rate or rates equal
13 to or greater than the transition contribution
14 rate established under paragraph (2), and

15 “(B) does not provide for—

16 “(i) a suspension of contributions to
17 the legacy plan with respect to any period
18 of service, or

19 “(ii) any new direct or indirect exclu-
20 sion of younger or newly hired employees
21 of the employer from being taken into ac-
22 count in determining contributions owed to
23 the legacy plan.

24 “(2) TRANSITION CONTRIBUTION RATE.—

1 “(A) IN GENERAL.—The transition con-
2 tribution rate for a plan year is the contribution
3 rate that, as certified by the actuary of the leg-
4 acy plan in accordance with the principles in
5 section 432(b)(3)(B), is reasonably expected to
6 be adequate—

7 “(i) to fund the normal cost for the
8 plan year,

9 “(ii) to amortize the plan’s unfunded
10 liabilities in level annual installments over
11 25 years, beginning with the plan year in
12 which the transition contribution rate is
13 first established, and

14 “(iii) to amortize any subsequent
15 changes in the legacy plan’s unfunded li-
16 ability due to experience gains or losses
17 (including investment gains or losses, gains
18 or losses due to contributions greater or
19 less than the contributions made under the
20 prior transition contribution rate, and
21 other actuarial gains or losses), changes in
22 actuarial assumptions, changes to the leg-
23 acy plan’s benefits, or changes in funding
24 method over a period of 15 plan years be-

1 ginning with the plan year in which such
2 change in unfunded liability is incurred.

3 The transition contribution rate for any plan
4 year may not be less than the transition con-
5 tribution rate for the plan year in which such
6 rate is first established.

7 “(B) MULTIPLE RATES.—If different rates
8 of contribution are payable to the legacy plan
9 by different employers or for different classes of
10 employees, the certification shall specify a tran-
11 sition contribution rate for each such employer.

12 “(C) RATE APPLICABLE TO EMPLOYER.—

13 “(i) IN GENERAL.—Except as pro-
14 vided by clause (ii), the transition con-
15 tribution rate applicable to an employer for
16 a plan year is the rate in effect for the
17 plan year of the legacy plan that com-
18 mences on or after 180 days before the
19 earlier of—

20 “(I) the effective date of the col-
21 lective bargaining agreement pursuant
22 to which the employer contributes to
23 the legacy plan, or

24 “(II) 5 years after the last plan
25 year for which the transition contribu-

1 tion rate applicable to the employer
2 was established or updated.

3 “(ii) EXCEPTION.—The transition
4 contribution rate applicable to an employer
5 for the first plan year beginning on or
6 after the commencement of the employer’s
7 obligation to contribute to the composite
8 plan is the rate in effect for the plan year
9 of the legacy plan that commences on or
10 after 180 days before such first plan year.

11 “(D) EFFECT OF LEGACY PLAN FINANCIAL
12 CIRCUMSTANCES.—If the plan actuary of the
13 legacy plan has certified under section 432 that
14 the plan is in endangered or critical status for
15 a plan year, the transition contribution rate for
16 the following plan year is the rate determined
17 with respect to the employer under the legacy
18 plan’s funding improvement or rehabilitation
19 plan under section 432, if greater than the rate
20 otherwise determined, but in no event greater
21 than 75 percent of the sum of the contribution
22 rates applicable to the legacy plan and the com-
23 posite plan for the plan year.

24 “(E) OTHER ACTUARIAL ASSUMPTIONS
25 AND METHODS.—Except as provided in sub-

1 paragraph (A), the determination of the transi-
2 tion contribution rate for a plan year shall be
3 based on actuarial assumptions and methods
4 consistent with the minimum funding deter-
5 minations made under section 431 (or, if appli-
6 cable, section 432) with respect to the legacy
7 plan for the plan year.

8 “(F) ADJUSTMENTS IN RATE.—The plan
9 sponsor of a legacy plan from time to time may
10 adjust the transition contribution rate or rates
11 applicable to an employer under this paragraph
12 by increasing some rates and decreasing others
13 if the actuary certifies that such adjusted rates
14 in combination will produce projected contribu-
15 tion income for the plan year beginning on or
16 after the date of certification that is not less
17 than would be produced by the transition con-
18 tribution rates in effect at the time of the cer-
19 tification.

20 “(G) NOTICE OF TRANSITION CONTRIBU-
21 TION RATE.—The plan sponsor of a legacy plan
22 shall provide notice to the parties to collective
23 bargaining agreements pursuant to which con-
24 tributions are made to the legacy plan of
25 changes to the transition contribution rate re-

1 requirements at least 30 days before the begin-
2 ning of the plan year for which the rate is effec-
3 tive.

4 “(H) NOTICE TO COMPOSITE PLAN SPON-
5 SOR.—Not later than 30 days after a deter-
6 mination by the plan sponsor of a legacy plan
7 that a collective bargaining agreement provides
8 for a rate of contributions that is below the
9 transition contribution rate applicable to one or
10 more employers that are parties to the collective
11 bargaining agreement, the plan sponsor of the
12 legacy plan shall notify the plan sponsor of any
13 composite plan under which employees of such
14 employer would otherwise be eligible to accrue
15 a benefit.

16 “(3) CORRECTION PROCEDURES.—Pursuant to
17 standards prescribed by the Secretary of Labor, the
18 plan sponsor of a composite plan shall adopt rules
19 and procedures that give the parties to the collective
20 bargaining agreement notice of the failure of such
21 agreement to satisfy the transition contribution re-
22 quirements of this subsection, and a reasonable op-
23 portunity to correct such failure, not to exceed 180
24 days from the date of notice given under subsection
25 (b)(2).

1 “(4) SUPPLEMENTAL CONTRIBUTIONS.—A col-
2 lective bargaining agreement may provide for supple-
3 mental contributions to the legacy plan for a plan
4 year in excess of the transition contribution rate de-
5 termined under paragraph (2), regardless of whether
6 the legacy plan is in endangered or critical status for
7 such plan year.

8 “(e) NONAPPLICATION OF COMPOSITE PLAN RE-
9 STRICTIONS.—

10 “(1) IN GENERAL.—The provisions of sub-
11 sections (a), (b), and (c) shall not apply with respect
12 to a collective bargaining agreement, to the extent
13 the agreement, or a predecessor agreement, provides
14 or provided for contributions to a defined benefit
15 plan that is a legacy plan, as of the first day of the
16 first plan year following a plan year for which the
17 plan actuary certifies that the plan is fully funded,
18 has been fully funded for at least three out of the
19 immediately preceding 5 plan years, and is projected
20 to remain fully funded for at least the following 4
21 plan years.

22 “(2) DETERMINATION OF FULLY FUNDED.—A
23 plan is fully funded for purposes of paragraph (1)
24 if, as of the valuation date of the plan for a plan
25 year, the value of the plan’s assets equals or exceeds

1 the present value of the plan's liabilities, determined
2 in accordance with the rules prescribed by the Pen-
3 sion Benefit Guaranty Corporation under sections
4 4219(e)(1)(D) and 4281 of Employee Retirement
5 Income and Security Act for multiemployer plans
6 terminating by mass withdrawal, as in effect for the
7 date of the determination, except the plan's reason-
8 able assumption regarding the starting date of bene-
9 fits may be used.

10 “(3) OTHER APPLICABLE RULES.—Except as
11 provided in paragraph (2), actuarial determinations
12 and projections under this section shall be based on
13 the rules in section 432(b)(3) and section 438(b).

14 **“SEC. 440B. MERGERS AND ASSET TRANSFERS OF COM-**
15 **POSITE PLANS.**

16 “(a) IN GENERAL.—Assets and liabilities of a com-
17 posite plan may only be merged with, or transferred to,
18 another plan if—

19 “(1) the other plan is a composite plan,

20 “(2) the plan or plans resulting from the merg-
21 er or transfer is a composite plan,

22 “(3) no participant's accrued benefit or adjust-
23 able benefit is lower immediately after the trans-
24 action than it was immediately before the trans-
25 action, and

1 “(4) the value of the assets transferred in the
2 case of a transfer reasonably reflects the value of the
3 amounts contributed with respect to the participants
4 whose benefits are being transferred, adjusted for al-
5 locable distributions, investment gains and losses,
6 and administrative expenses.

7 “(b) LEGACY PLAN.—

8 “(1) IN GENERAL.—After a merger or transfer
9 involving a composite plan, the legacy plan with re-
10 spect to an employer that is obligated to contribute
11 to the resulting composite plan is the legacy plan
12 that applied to that employer immediately before the
13 merger or transfer.

14 “(2) MULTIPLE LEGACY PLANS.—If an em-
15 ployer is obligated to contribute to more than one
16 legacy plan with respect to employees eligible to ac-
17 crue benefits under more than one composite plan
18 and there is a merger or transfer of such legacy
19 plans, the transition contribution rate applicable to
20 the legacy plan resulting from the merger or trans-
21 fer with respect to that employer shall be determined
22 in accordance with the provisions of section
23 440A(d)(2)(B).”.

24 “(2) CLERICAL AMENDMENT.—The table of sub-
25 parts for part III of subchapter D of chapter 1 of

1 the Internal Revenue Code of 1986 is amended by
2 adding at the end the following new item:

“SUBPART C. COMPOSITE PLANS AND LEGACY PLANS”.

3 (c) EFFECTIVE DATE.—The amendments made by
4 this section shall apply to plan years beginning after the
5 date of the enactment of this Act.

6 **SEC. 103. APPLICATION OF CERTAIN REQUIREMENTS TO**
7 **COMPOSITE PLANS.**

8 (a) AMENDMENTS TO THE EMPLOYEE RETIREMENT
9 INCOME SECURITY ACT OF 1974.—

10 (1) TREATMENT FOR PURPOSES OF FUNDING
11 NOTICES.—Section 101(f) of the Employee Retirement
12 Income Security Act of 1974 (29 U.S.C.
13 1021(f)) is amended—

14 (A) in paragraph (1) by striking “title IV
15 applies” and inserting “title IV applies or which
16 is a composite plan”; and

17 (B) by adding at the end the following:

18 “(5) APPLICATION TO COMPOSITE PLANS.—The
19 provisions of this subsection shall apply to a com-
20 posite plan only to the extent prescribed by the Sec-
21 retary in regulations that take into account the dif-
22 ferences between a composite plan and a defined
23 benefit plan that is a multiemployer plan.”.

24 (2) TREATMENT FOR PURPOSES OF ANNUAL
25 REPORT.—Section 103 of the Employee Retirement

1 Income Security Act of 1974 (29 U.S.C. 1023) is
2 amended—

3 (A) in subsection (d) by adding at the end
4 the following sentence: “The provisions of this
5 subsection shall apply to a composite plan only
6 to the extent prescribed by the Secretary in reg-
7 ulations that take into account the differences
8 between a composite plan and a defined benefit
9 plan that is a multiemployer plan.”;

10 (B) in subsection (f) by adding at the end
11 the following:

12 “(3) ADDITIONAL INFORMATION FOR COM-
13 POSITE PLANS.—With respect to any composite
14 plan—

15 “(A) the provisions of paragraph (1)(A)
16 shall apply by substituting ‘current funded ratio
17 and projected funded ratio (as such terms are
18 defined in section 802(a)(2))’ for ‘funded per-
19 centage’ each place it appears; and

20 “(B) the provisions of paragraph (2) shall
21 apply only to the extent prescribed by the Sec-
22 retary in regulations that take into account the
23 differences between a composite plan and a de-
24 fined benefit plan that is a multiemployer
25 plan.”; and

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

2 “(h) COMPOSITE PLANS.—A multiemployer plan that
3 incorporates the features of a composite plan as provided
4 in section 801(b) shall be treated as a single plan for pur-
5 poses of the report required by this section, except that
6 separate financial statements and actuarial statements
7 shall be provided under paragraphs (3) and (4) of sub-
8 section (a) for the defined benefit plan component and for
9 the composite plan component of the multiemployer
10 plan.”.

11 (3) TREATMENT FOR PURPOSES OF PENSION
12 BENEFIT STATEMENTS.—Section 105(a) of the Em-
13 ployee Retirement Income Security Act of 1974 (29
14 U.S.C. 1025(a)) is amended by adding at the end
15 the following:

16 “(4) COMPOSITE PLANS.—For purposes of this
17 subsection, a composite plan shall be treated as a
18 defined benefit plan to the extent prescribed by the
19 Secretary in regulations that take into account the
20 differences between a composite plan and a defined
21 benefit plan that is a multiemployer plan.”.

22 (b) AMENDMENTS TO THE INTERNAL REVENUE
23 CODE OF 1986.—Section 6058 of the Internal Revenue
24 Code of 1986 is amended by redesignating subsection (f)

1 as subsection (g) and by inserting after subsection (e) the
2 following:

3 “(f) COMPOSITE PLANS.—A multiemployer plan that
4 incorporates the features of a composite plan as provided
5 in section 437(b) shall be treated as a single plan for pur-
6 poses of the return required by this section, except that
7 separate financial statements shall be provided for the de-
8 fined benefit plan component and for the composite plan
9 component of the multiemployer plan.”.

10 (c) EFFECTIVE DATE.—The amendments made by
11 this section shall apply to plan years beginning after the
12 date of the enactment of this Act.

13 **SEC. 104. TREATMENT OF COMPOSITE PLANS UNDER TITLE**

14 **IV.**

15 (a) DEFINITION.—Section 4001(a) of the Employee
16 Retirement Income Security Act of 1974 (29 U.S.C.
17 1301(a)) is amended by striking the period at the end of
18 paragraph (21) and inserting a semicolon and by adding
19 at the end the following:

20 “(22) COMPOSITE PLAN.—The term ‘composite
21 plan’ has the meaning set forth in section 801.”.

22 (b) COMPOSITE PLANS DISREGARDED FOR CALCULATING PREMIUMS.—Section 4006(a) of such Act (29
23 U.S.C. 1306(a)) is amended by adding at the end the fol-
24 lowing:
25

1 “(9) The composite plan component of a multi-
2 employer plan shall be disregarded in determining
3 the premiums due under this section from the multi-
4 employer plan.”.

5 (c) COMPOSITE PLANS NOT COVERED.—Section
6 4021(b)(1) of such Act (29 U.S.C. 1321(b)(1)) is amend-
7 ed by striking “Act” and inserting “Act, or a composite
8 plan, as defined in paragraph (43) of section 3 of this
9 Act”.

10 (d) NO WITHDRAWAL LIABILITY.—Section 4201 of
11 such Act (29 U.S.C. 1381) is amended by adding at the
12 end the following:

13 “(c) Contributions by an employer to the composite
14 plan component of a multiemployer plan shall not be taken
15 into account for any purpose under this title.”.

16 (e) NO WITHDRAWAL LIABILITY FOR CERTAIN
17 PLANS.—Section 4201 of such Act (29 U.S.C. 1381) is
18 further amended by adding at the end the following:

19 “(d) Contributions by an employer to a multiem-
20 ployer plan described in the except clause of section 3(35)
21 of this Act pursuant to a collective bargaining agreement
22 that specifically designates that such contributions shall
23 be allocated to the separate defined contribution accounts
24 of participants under the plan shall not be taken into ac-
25 count with respect to the defined benefit portion of the

1 plan for any purpose under this title (including the deter-
2 mination of the employer's highest contribution rate under
3 section 4219), even if, under the terms of the plan, partici-
4 pants have the option to transfer assets in their separate
5 defined contribution accounts to the defined benefit por-
6 tion of the plan in return for service credit under the de-
7 fined benefit portion, at rates established by the plan
8 sponsor.

9 “(e) A legacy plan created under section 805 shall
10 be deemed to have no unfunded vested benefits for pur-
11 poses of this part, for each plan year following a period
12 of 5 consecutive plan years for which—

13 “(1) the plan was fully funded within the mean-
14 ing of section 805 for at least 3 of the plan years
15 during that period, ending with a plan year for
16 which the plan is fully funded;

17 “(2) the plan had no unfunded vested benefits
18 for at least 3 of the plan years during that period,
19 ending with a plan year for which the plan is fully
20 funded; and

21 “(3) the plan is projected to be fully funded
22 and to have no unfunded vested benefits for the fol-
23 lowing four plan years.”.

24 (f) NO WITHDRAWAL LIABILITY FOR EMPLOYERS
25 CONTRIBUTING TO CERTAIN FULLY FUNDED LEGACY

1 PLANS.—Section 4211 of such Act (29 U.S.C. 1382) is
2 amended by adding at the end the following:

3 “(g) No amount of unfunded vested benefits shall be
4 allocated to an employer that has an obligation to con-
5 tribute to a legacy plan described in subsection (e) of sec-
6 tion 4201 for each plan year for which such subsection
7 applies.”.

8 (g) NO OBLIGATION TO CONTRIBUTE.—Section
9 4212 of such Act (29 U.S.C. 1392) is amended by adding
10 at the end the following:

11 “(d) NO OBLIGATION TO CONTRIBUTE.—An em-
12 ployer shall not be treated as having an obligation to con-
13 tribute to a multiemployer defined benefit plan within the
14 meaning of subsection (a) solely because—

15 “(1) in the case of a multiemployer plan that
16 includes a composite plan component, the employer
17 has an obligation to contribute to the composite plan
18 component of the plan;

19 “(2) the employer has an obligation to con-
20 tribute to a composite plan that is maintained pur-
21 suant to one or more collective bargaining agree-
22 ments under which the multiemployer defined ben-
23 efit plan is or previously was maintained; or

24 “(3) the employer contributes or has contrib-
25 uted under section 805(d) to a legacy plan associ-

1 ated with a composite plan pursuant to a collective
2 bargaining agreement but employees of that em-
3 ployer were not eligible to accrue benefits under the
4 legacy plan with respect to service with that em-
5 ployer.”.

6 (h) NO INFERENCE.—Nothing in the amendment
7 made by subsection (e) shall be construed to create an in-
8 ference with respect to the treatment under title IV of the
9 Employee Retirement Income Security Act of 1974, as in
10 effect before such amendment, of contributions by an em-
11 ployer to a multiemployer plan described in the except
12 clause of section 3(35) of such Act that are made before
13 the effective date of subsection (e) specified in subsection
14 (h)(2).

15 (i) EFFECTIVE DATE.—

16 (1) IN GENERAL.—Except as provided in sub-
17 paragraph (2), the amendments made by this section
18 shall apply to plan years beginning after the date of
19 the enactment of this Act.

20 (2) SPECIAL RULE FOR SECTION 414(k) MULTI-
21 EMPLOYER PLANS.—The amendment made by sub-
22 section (e) shall apply only to required contributions
23 payable for plan years beginning after the date of
24 the enactment of this Act.

1 **SEC. 105. CONFORMING CHANGES.**

2 (a) DEFINITIONS.—Section 3 of the Employee Re-
3 tirement Income Security Act of 1974 (29 U.S.C. 1002)
4 is amended—

5 (1) in paragraph (35), by inserting “or a com-
6 posite plan” after “other than an individual account
7 plan”; and

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

9 “(43) The term ‘composite plan’ has the mean-
10 ing given the term in section 801(a).”.

11 (b) SPECIAL FUNDING RULE FOR CERTAIN LEGACY
12 PLANS.—

13 (1) AMENDMENT TO EMPLOYEE RETIREMENT
14 INCOME SECURITY ACT OF 1974.—Section 304(b) of
15 the Employee Retirement Income Security Act of
16 1974 (29 U.S.C. 1084(b)) is amended by adding at
17 the end the following:

18 “(9) SPECIAL FUNDING RULE FOR CERTAIN
19 LEGACY PLANS.—In the case of a multiemployer de-
20 fined benefit plan that has adopted an amendment
21 under section 801(b), in accordance with which no
22 further benefits shall accrue under the multiem-
23 ployer defined benefit plan, the plan sponsor may
24 combine the outstanding balance of all charge and
25 credit bases and amortize that combined base in
26 level annual installments (until fully amortized) over

1 a period of 25 plan years beginning with the plan
2 year following the date all benefit accruals ceased.”.

3 (2) AMENDMENT TO INTERNAL REVENUE CODE
4 OF 1986.—Section 431(b) of the Internal Revenue
5 Code of 1986 is amended by adding at the end the
6 following:

7 “(9) SPECIAL FUNDING RULE FOR CERTAIN
8 LEGACY PLANS.—In the case of a multiemployer de-
9 fined benefit plan that has adopted an amendment
10 under section 437(b), in accordance with which no
11 further benefits shall accrue under the multiem-
12 ployer defined benefit plan, the plan sponsor may
13 combine the outstanding balance of all charge and
14 credit bases and amortize that combined base in
15 level annual installments (until fully amortized) over
16 a period of 25 plan years beginning with the plan
17 year following the date on which all benefit accruals
18 ceased.”.

19 (c) BENEFITS AFTER MERGER, CONSOLIDATION, OR
20 TRANSFER OF ASSETS.—

21 (1) AMENDMENT TO EMPLOYEE RETIREMENT
22 INCOME SECURITY ACT OF 1974.—Section 208 of the
23 Employee Retirement Income Security Act of 1974
24 (29 U.S.C. 1058) is amended—

1 (A) by striking so much of the first sen-
2 tence as precedes “may not merge” and insert-
3 ing the following:

4 “(1) IN GENERAL.—Except as provided in para-
5 graph (2), a pension plan may not merge, and”;

6 (B) by striking the second sentence and
7 adding at the end the following:

8 “(2) SPECIAL REQUIREMENTS FOR MULTITEM-
9 PLOYER PLANS.—Paragraph (1) shall not apply to
10 any transaction to the extent that participants either
11 before or after the transaction are covered under a
12 multiemployer plan to which title IV of this Act ap-
13 plies or a composite plan.”.

14 (2) AMENDMENTS TO INTERNAL REVENUE
15 CODE OF 1986.—

16 (A) QUALIFICATION REQUIREMENT.—Sec-
17 tion 401(a)(12) of the Internal Revenue Code
18 of 1986 is amended—

19 (i) by striking “(12) A trust” and in-
20 serting the following:

21 “(12) BENEFITS AFTER MERGER, CONSOLIDA-
22 TION, OR TRANSFER OF ASSETS.—

23 “(A) IN GENERAL.—Except as provided in
24 subparagraph (B), a trust”;

1 (ii) by striking the second sentence;

2 and

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

5 “(B) SPECIAL REQUIREMENTS FOR MULTI-
6 EMPLOYER PLANS.—Subparagraph (A) shall
7 not apply to any multiemployer plan with re-
8 spect to any transaction to the extent that par-
9 ticipants either before or after the transaction
10 are covered under a multiemployer plan to
11 which title IV of the Employee Retirement In-
12 come Security Act of 1974 applies or a com-
13 posite plan.”.

14 (B) ADDITIONAL QUALIFICATION REQUIRE-
15 MENT.—Paragraph (1) of section 414(l) of such
16 Code is amended—

17 (i) by striking “(1) IN GENERAL” and
18 all that follows through “shall not con-
19 stitute” and inserting the following:

20 “(1) BENEFIT PROTECTIONS: MERGER, CON-
21 SOLIDATION, TRANSFER.—

22 “(A) IN GENERAL.—Except as provided in
23 subparagraph (B), a trust which forms a part
24 of a plan shall not constitute”; and

1 (ii) by striking the second sentence;

2 and

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

5 “(B) SPECIAL REQUIREMENTS FOR MULTI-
6 EMPLOYER PLANS.—Subparagraph (A) does not
7 apply to any multiemployer plan with respect to
8 any transaction to the extent that participants
9 either before or after the transaction are cov-
10 ered under a multiemployer plan to which title
11 IV of the Employee Retirement Income Secu-
12 rity Act of 1974 applies or a composite plan.”.

13 (d) REQUIREMENTS FOR STATUS AS A QUALIFIED
14 PLAN.—

15 (1) REQUIREMENT THAT ACTUARIAL ASSUMP-
16 TIONS BE SPECIFIED.—Section 401(a)(25) of the In-
17 ternal Revenue Code of 1986 is amended by insert-
18 ing “(in the case of a composite plan, benefits objec-
19 tively calculated pursuant to a formula)” after “defi-
20 nitely determinable benefits”.

21 (2) MISSING PARTICIPANTS IN TERMINATING
22 COMPOSITE PLAN.—Section 401(a)(34) of the Inter-
23 nal Revenue Code of 1986 is amended by striking “,
24 a trust” and inserting “or a composite plan, a
25 trust”.

1 (e) DEDUCTION FOR CONTRIBUTIONS TO A QUALI-
2 FIED PLAN.—Section 404(a)(1) of the Internal Revenue
3 Code of 1986 is amended by redesignating subparagraph
4 (E) as subparagraph (F) and by inserting after subpara-
5 graph (D) the following:

6 “(E) COMPOSITE PLANS.—

7 “(i) IN GENERAL.—In the case of a
8 composite plan, subparagraph (D) shall
9 not apply and the maximum amount de-
10 ductible for a plan year shall be the excess
11 (if any) of—

12 “(I) 160 percent of the greater
13 of—

14 “(aa) the current liability of
15 the plan determined in accord-
16 ance with the principles of sec-
17 tion 431(c)(6)(D), or

18 “(bb) the present value of
19 plan liabilities as determined
20 under section 438, over

21 “(II) the fair market value of the
22 plan’s assets, projected to the end of
23 the plan year.

1 “(ii) SPECIAL RULES FOR PREDE-
2 CESSOR MULTIEMPLOYER PLAN TO COM-
3 POSITE PLAN.—

4 “(I) IN GENERAL.—Except as
5 provided in subclause (II), if an em-
6 ployer contributes to a composite plan
7 with respect to its employees, con-
8 tributions by that employer to a mul-
9 tiemployer defined benefit plan with
10 respect to some or all of the same
11 group of employees shall be deductible
12 under sections 162 and this section,
13 subject to the limits in subparagraph
14 (D).

15 “(II) TRANSITION CONTRIBU-
16 TION.—The full amount of a contribu-
17 tion to satisfy the transition contribu-
18 tion requirement (as defined in sec-
19 tion 440A(d)) and allocated to the
20 legacy defined benefit plan for the
21 plan year shall be deductible for the
22 employer’s taxable year ending with or
23 within the plan year.”.

24 (f) MINIMUM VESTING STANDARDS.—

1 (1) YEARS OF SERVICE UNDER COMPOSITE
2 PLANS.—

3 (A) EMPLOYEE RETIREMENT INCOME SE-
4 CURITY ACT OF 1974.—Section 203 of the Em-
5 ployee Retirement Income Security Act of 1974
6 (29 U.S.C. 1053) is amended by inserting after
7 subsection (f) the following:

8 “(g) SPECIAL RULES FOR COMPUTING YEARS OF
9 SERVICE UNDER COMPOSITE PLANS.—

10 “(1) IN GENERAL.—In determining a qualified
11 employee’s years of service under a composite plan
12 for purposes of this section, the employee’s years of
13 service under a legacy plan shall be treated as years
14 of service earned under the composite plan. For pur-
15 poses of such determination, a composite plan shall
16 not be treated as a defined benefit plan pursuant to
17 section 801(d).

18 “(2) QUALIFIED EMPLOYEE.—For purposes of
19 this subsection, an employee is a qualified employee
20 if the employee first completes an hour of service
21 under the composite plan (determined without re-
22 gard to the provisions of this subsection) within the
23 12-month period immediately preceding or the 24-
24 month period immediately following the date the em-

1 ployee ceased to accrue benefits under the legacy
2 plan.

3 “(3) CERTIFICATION OF YEARS OF SERVICE.—
4 For purposes of paragraph (1), the plan sponsor of
5 the composite plan shall rely on a written certifi-
6 cation by the plan sponsor of the legacy plan of the
7 years of service the qualified employee completed
8 under the defined benefit plan as of the date the em-
9 ployee satisfies the requirements of paragraph (2),
10 disregarding any years of service that had been for-
11 feited under the rules of the defined benefit plan be-
12 fore that date.

13 “(h) SPECIAL RULES FOR COMPUTING YEARS OF
14 SERVICE UNDER LEGACY PLANS.—

15 “(1) IN GENERAL.—In determining a qualified
16 employee’s years of service under a legacy plan for
17 purposes of this section, and in addition to any serv-
18 ice under applicable regulations, the employee’s
19 years of service under a composite plan shall be
20 treated as years of service earned under the legacy
21 plan. For purposes of such determination, a com-
22 posite plan shall not be treated as a defined benefit
23 plan pursuant to section 801(d).

24 “(2) QUALIFIED EMPLOYEE.—For purposes of
25 this subsection, an employee is a qualified employee

1 if the employee first completes an hour of service
2 under the composite plan (determined without re-
3 gard to the provisions of this subsection) within the
4 12-month period immediately preceding or the 24-
5 month period immediately following the date the em-
6 ployee ceased to accrue benefits under the legacy
7 plan.

8 “(3) CERTIFICATION OF YEARS OF SERVICE.—
9 For purposes of paragraph (1), the plan sponsor of
10 the legacy plan shall rely on a written certification
11 by the plan sponsor of the composite plan of the
12 years of service the qualified employee completed
13 under the composite plan after the employee satisfies
14 the requirements of paragraph (2), disregarding any
15 years of service that has been forfeited under the
16 rules of the composite plan.”

17 (B) INTERNAL REVENUE CODE OF 1986.—
18 Section 411(a) of the Internal Revenue Code of
19 1986 is amended by adding at the end the fol-
20 lowing:

21 “(14) SPECIAL RULES FOR DETERMINING
22 YEARS OF SERVICE UNDER COMPOSITE PLANS.—

23 “(A) IN GENERAL.—In determining a
24 qualified employee’s years of service under a
25 composite plan for purposes of this subsection,

1 the employee's years of service under a legacy
2 plan shall be treated as years of service earned
3 under the composite plan. For purposes of such
4 determination, a composite plan shall not be
5 treated as a defined benefit plan pursuant to
6 section 437(d).

7 “(B) QUALIFIED EMPLOYEE.—For pur-
8 poses of this paragraph, an employee is a quali-
9 fied employee if the employee first completes an
10 hour of service under the composite plan (deter-
11 mined without regard to the provisions of this
12 paragraph) within the 12-month period imme-
13 diately preceding or the 24-month period imme-
14 diately following the date the employee ceased
15 to accrue benefits under the legacy plan.

16 “(C) CERTIFICATION OF YEARS OF SERV-
17 ICE.—For purposes of subparagraph (A), the
18 plan sponsor of the composite plan shall rely on
19 a written certification by the plan sponsor of
20 the legacy plan of the years of service the quali-
21 fied employee completed under the legacy plan
22 as of the date the employee satisfies the re-
23 quirements of subparagraph (B), disregarding
24 any years of service that had been forfeited

1 under the rules of the defined benefit plan be-
2 fore that date.

3 “(15) SPECIAL RULES FOR COMPUTING YEARS
4 OF SERVICE UNDER LEGACY PLANS.—

5 “(A) IN GENERAL.—In determining a
6 qualified employee’s years of service under a
7 legacy plan for purposes of this section, and in
8 addition to any service under applicable regula-
9 tions, the employee’s years of service under a
10 composite plan shall be treated as years of serv-
11 ice earned under the legacy plan. For purposes
12 of such determination, a composite plan shall
13 not be treated as a defined benefit plan pursu-
14 ant to section 437(d).

15 “(B) QUALIFIED EMPLOYEE.—For pur-
16 poses of this paragraph, an employee is a quali-
17 fied employee if the employee first completes an
18 hour of service under the composite plan (deter-
19 mined without regard to the provisions of this
20 paragraph) within the 12-month period imme-
21 diately preceding or the 24-month period imme-
22 diately following the date the employee ceased
23 to accrue benefits under the legacy plan.

24 “(C) CERTIFICATION OF YEARS OF SERV-
25 ICE.—For purposes of subparagraph (A), the

1 plan sponsor of the legacy plan shall rely on a
2 written certification by the plan sponsor of the
3 composite plan of the years of service the quali-
4 fied employee completed under the composite
5 plan after the employee satisfies the require-
6 ments of subparagraph (B), disregarding any
7 years of service that has been forfeited under
8 the rules of the composite plan.”.

9 (2) REDUCTION OF BENEFITS.—

10 (A) EMPLOYEE RETIREMENT INCOME SE-
11 CURITY ACT OF 1974.—Section 203(a)(3)(E)(ii)
12 of the Employee Retirement Income Security
13 Act of 1974 (29 U.S.C. 1053(a)(3)(E)(ii)) is
14 amended—

15 (i) in subclause (I) by striking
16 “4244A” and inserting “305(e), 803,”;
17 and

18 (ii) in subclause (II) by striking
19 “4245” and inserting “305(e), 4245,”.

20 (B) INTERNAL REVENUE CODE OF 1986.—
21 Section 411(a)(3)(F) of the Internal Revenue
22 Code of 1986 is amended—

23 (i) in clause (i) by striking “section
24 418D or under section 4281 of the Em-
25 ployee Retirement Income Security Act of

1 1974” and inserting “section 432(e) or
2 439 or under section 4281 of the Em-
3 ployee Retirement Income Security Act of
4 1974”; and

5 (ii) in clause (ii) by inserting “or
6 432(e)” after “section 418E”.

7 (3) ACCRUED BENEFIT REQUIREMENTS.—

8 (A) EMPLOYEE RETIREMENT INCOME SE-
9 CURITY ACT OF 1974.—Section 204(b)(1)(B)(i)
10 of the Employee Retirement Income Security
11 Act of 1974 (29 U.S.C. 1054(b)(1)(B)(i)) is
12 amended by inserting “, including an amend-
13 ment reducing or suspending benefits under
14 section 305(e), 803, 4245 or 4281,” after “any
15 amendment to the plan”.

16 (B) INTERNAL REVENUE CODE OF 1986.—
17 Section 411(b)(1)(B)(i) of the Internal Revenue
18 Code of 1986 is amended by inserting “, includ-
19 ing an amendment reducing or suspending ben-
20 efits under section 418E, 432(e), or 439, or
21 under section 4281 of the Employee Retirement
22 Income Security Act of 1974,” after “any
23 amendment to the plan”.

24 (4) ADDITIONAL ACCRUED BENEFIT REQUIRE-
25 MENTS.—

1 (A) EMPLOYEE RETIREMENT INCOME SE-
2 CURITY ACT OF 1974.—Section 204(b)(1)(H)(v)
3 of the Employee Retirement Income Security
4 Act of 1974 (29 U.S.C. 1053(b)(1)(H)(v)) is
5 amended by inserting before the period at the
6 end the following: “, or benefits are reduced or
7 suspended under section 305(e), 803, 4245, or
8 4281”.

9 (B) INTERNAL REVENUE CODE OF 1986.—
10 Section 411(b)(1)(H)(iv) of the Internal Rev-
11 enue Code of 1986 is amended—

12 (i) in the heading by striking “BEN-
13 EFIT” and inserting “BENEFIT AND THE
14 SUSPENSION AND REDUCTION OF CERTAIN
15 BENEFITS”; and

16 (ii) in the text by inserting before the
17 period at the end the following: “, or bene-
18 fits are reduced or suspended under sec-
19 tion 418E, 432(e), or 439, or under sec-
20 tion 4281 of the Employee Retirement In-
21 come Security Act of 1974”.

22 (5) ACCRUED BENEFIT NOT TO BE DECREASED
23 BY AMENDMENT.—

24 (A) EMPLOYEE RETIREMENT INCOME SE-
25 CURITY ACT OF 1974.—Section 204(g)(1) of the

1 Employee Retirement Income Security Act of
2 1974 (29 U.S.C. 1053(g)(1)) is amended by in-
3 serting after “302(d)(2)” the following: “,
4 305(e), 803, 4245,”.

5 (B) INTERNAL REVENUE CODE OF 1986.—
6 Section 411(d)(6)(A) of the Internal Revenue
7 Code of 1986 is amended by inserting after
8 “412(d)(2),” the following: “418E, 432(e), or
9 439,”.

10 (g) CERTAIN FUNDING RULES NOT APPLICABLE.—

11 (1) EMPLOYEE RETIREMENT INCOME SECURITY
12 ACT OF 1974.—Section 305 of the Employee Retirement
13 Income Security Act of 1974 (29 U.S.C. 1085)
14 is amended by adding at the end the following:

15 “(k) LEGACY PLANS.—Sections 302, 304, and 305
16 shall not apply to an employer that has an obligation to
17 contribute to a plan that is a legacy plan within the mean-
18 ing of section 805(a) solely because the employer has an
19 obligation to contribute to a composite plan described in
20 section 801 that is associated with that legacy plan.”.

21 (2) INTERNAL REVENUE CODE OF 1986.—Sec-
22 tion 432 of the Internal Revenue Code of 1986 is
23 amended by adding at the end the following:

24 “(k) LEGACY PLANS.—Sections 412, 431, and 432
25 shall not apply to an employer that has an obligation to

1 contribute to a plan that is a legacy plan within the mean-
2 ing of section 440A(a) solely because the employer has an
3 obligation to contribute to a composite plan described in
4 section 437 that is associated with that legacy plan.”.

5 (h) TERMINATION OF COMPOSITE PLAN.—Section
6 403(d) of the Employee Retirement Income Security Act
7 of 1974 (29 U.S.C. 1103(d) is amended—

8 (1) in paragraph (1), by striking “regulations
9 of the Secretary.” and inserting “regulations of the
10 Secretary, or as provided in paragraph (3).”; and

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

12 “(3) Section 4044(a) of this Act shall be ap-
13 plied in the case of the termination of a composite
14 plan by—

15 “(A) limiting the benefits subject to para-
16 graph (3) thereof to benefits as defined in sec-
17 tion 802(b)(3)(B); and

18 “(B) including in the benefits subject to
19 paragraph (4) all other benefits (if any) of indi-
20 viduals under the plan that would be guaran-
21 teed under section 4022A if the plan were sub-
22 ject to title IV.”.

23 (i) GOOD FAITH COMPLIANCE PRIOR TO GUID-
24 ANCE.—Where the implementation of any provision of law
25 added or amended by this division is subject to issuance

1 of regulations by the Secretary of Labor, the Secretary
2 of the Treasury, or the Pension Benefit Guaranty Cor-
3 poration, a multiemployer plan shall not be treated as fail-
4 ing to meet the requirements of any such provision prior
5 to the issuance of final regulations or other guidance to
6 carry out such provision if such plan is operated in accord-
7 ance with a reasonable, good faith interpretation of such
8 provision.

9 **SEC. 106. EFFECTIVE DATE.**

10 Unless otherwise specified, the amendments made by
11 this division shall apply to plan years beginning after the
12 date of the enactment of this Act.

13 **DIVISION W—OTHER MATTERS**

14 **SEC. 240001. SMALL BUSINESS DEBTOR REORGANIZATION.**

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

17 “(1) DEBTOR.—The term ‘debtor’—

18 “(A) subject to subparagraph (B), means a
19 person engaged in commercial or business ac-
20 tivities (including any affiliate of such person
21 that is also a debtor under this title and exclud-
22 ing a person whose primary activity is the busi-
23 ness of owning single asset real estate) that has
24 aggregate noncontingent liquidated secured and
25 unsecured debts as of the date of the filing of

1 the petition or the date of the order for relief
2 in an amount not more than \$7,500,000 (ex-
3 cluding debts owed to 1 or more affiliates or in-
4 siders) not less than 50 percent of which arose
5 from the commercial or business activities of
6 the debtor; and

7 “(B) does not include—

8 “(i) any member of a group of affili-
9 ated debtors that has aggregate noncontin-
10 gent liquidated secured and unsecured
11 debts in an amount greater than
12 \$7,500,000 (excluding debt owed to 1 or
13 more affiliates or insiders);

14 “(ii) any debtor that is a corporation
15 subject to the reporting requirements
16 under section 13 or 15(d) of the Securities
17 Exchange Act of 1934 (15 U.S.C. 78m,
18 78o(d)); or

19 “(iii) any debtor that is an affiliate of
20 an issuer, as defined in section 3 of the Se-
21 curities Exchange Act of 1934 (15 U.S.C.
22 78c).”.

23 (b) APPLICABILITY OF CHAPTERS.—Section 103(i) of
24 title 11, United States Code, is amended by striking

1 “small business debtor” and inserting “debtor (as defined
2 in section 1182)”.

3 (c) APPLICATION OF AMENDMENT.—The amendment
4 made by subsection (a) shall apply only with respect to
5 cases commenced under title 11, United States Code, on
6 or after the date of enactment of this Act.

7 (d) TECHNICAL CORRECTIONS.—

8 (1) DEFINITION OF SMALL BUSINESS DEBT-
9 OR.—Section 101(51D)(B)(iii) of title 11, United
10 States Code, is amended to read as follows:

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

15 (2) UNCLAIMED PROPERTY.—Section 347(b) of
16 title 11, United States Code, is amended by striking
17 “1194” and inserting “1191”.

18 (e) SUNSET.—On the date that is 1 year after the
19 date of enactment of this Act, section 1182(1) of title 11,
20 United States Code, is amended to read as follows:

21 “(1) DEBTOR.—The term ‘debtor’ means a
22 small business debtor.”.

23 **SEC. 240002. BANKRUPTCY RELIEF.**

24 (a) IN GENERAL.—

1 (1) EXCLUSION FROM CURRENT MONTHLY IN-
2 COME.—Section 101(10A)(B)(ii) of title 11, United
3 States Code, is amended—

4 (A) in subclause (III), by striking “; and”
5 and inserting a semicolon;

6 (B) in subclause (IV), by striking the pe-
7 riod at the end and inserting “; and”; and

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

9 “(V) Payments made under Federal law
10 relating to the national emergency declared by
11 the President under the National Emergencies
12 Act (50 U.S.C. 1601 et seq.) with respect to
13 the coronavirus disease 2019 (COVID–19).”.

14 (2) CONFIRMATION OF PLAN.—Section
15 1325(b)(2) of title 11, United States Code, is
16 amended by inserting “payments made under Fed-
17 eral law relating to the national emergency declared
18 by the President under the National Emergencies
19 Act (50 U.S.C. 1601 et seq.) with respect to the
20 coronavirus disease 2019 (COVID–19),” after
21 “other than”.

22 (3) MODIFICATION OF PLAN AFTER CONFIRMA-
23 TION.—Section 1329 of title 11, United States Code,
24 is amended by adding at end the following:

1 “(d)(1) Subject to paragraph (3), for a plan con-
2 firmed prior to the date of enactment of this subsection,
3 the plan may be modified upon the request of the debtor
4 if—

5 “(A) the debtor is experiencing or has ex-
6 perienced a material financial hardship due, di-
7 rectly or indirectly, to the coronavirus disease
8 2019 (COVID–19) pandemic; and

9 “(B) the modification is approved after no-
10 tice and a hearing.

11 “(2) A plan modified under paragraph (1) may
12 not provide for payments over a period that expires
13 more than 7 years after the time that the first pay-
14 ment under the original confirmed plan was due.

15 “(3) Sections 1322(a), 1322(b), 1323(c), and
16 the requirements of section 1325(a) shall apply to
17 any modification under paragraph (1).”.

18 (4) APPLICABILITY.—

19 (A) The amendments made by paragraphs
20 (1) and (2) shall apply to any case commenced
21 before, on, or after the date of enactment of
22 this Act.

23 (B) The amendment made by paragraph
24 (3) shall apply to any case for which a plan has
25 been confirmed under section 1325 of title 11,

1 United States Code, before the date of enact-
2 ment of this Act.

3 (b) SUNSET.—

4 (1) IN GENERAL.—

5 (A) EXCLUSION FROM CURRENT MONTHLY
6 INCOME.—Section 101(10A)(B)(ii) of title 11,
7 United States Code, is amended—

8 (i) in subclause (III), by striking the
9 semicolon at the end and inserting “;
10 and”;

11 (ii) in subclause (IV), by striking “;
12 and” and inserting a period; and

13 (iii) by striking subclause (V).

14 (B) CONFIRMATION OF PLAN.—Section
15 1325(b)(2) of title 11, United States Code, is
16 amended by striking “payments made under
17 Federal law relating to the national emergency
18 declared by the President under the National
19 Emergencies Act (50 U.S.C. 1601 et seq.) with
20 respect to the coronavirus disease 2019
21 (COVID–19),”.

22 (C) MODIFICATION OF PLAN AFTER CON-
23 FIRMATION.—Section 1329 of title 11, United
24 States Code, is amended by striking subsection
25 (d).

1 **SEC. 199992. LOW-INCOME HOUSEHOLD DRINKING WATER**
2 **AND WASTEWATER ASSISTANCE.**

3 (a) AUTHORIZATION OF APPROPRIATIONS.—There is
4 authorized to be appropriated \$1,500,000,000 to the Sec-
5 retary to carry out this section. Such sums shall remain
6 available until expended.

7 (b) LOW-INCOME HOUSEHOLD DRINKING WATER
8 AND WASTEWATER ASSISTANCE.—The Secretary shall
9 make grants to States and Indian Tribes to assist low-
10 income households, particularly those with the lowest in-
11 comes, that pay a high proportion of household income
12 for drinking water and wastewater services.

13 (c) USE OF LIHEAP RESOURCES.—In carrying out
14 this section, the Secretary, States, and Indian Tribes, as
15 applicable, shall use the existing processes, procedures,
16 policies, and systems in place to carry out the Low-Income
17 Home Energy Assistance Act of 1981, as the Secretary
18 determines appropriate, including by using the application
19 and approval process under such Act to the maximum ex-
20 tent practicable.

21 (d) ALLOTMENT.—

22 (1) FACTORS.—The Secretary shall allot
23 amounts appropriated pursuant to this section to a
24 State or Indian Tribe taking into account—

25 (A) the percentage of households in the
26 State, or under the jurisdiction of the Indian

1 Tribe, that are low-income, as determined by
2 the Secretary;

3 (B) the average State or Tribal drinking
4 water and wastewater service rates; and

5 (C) the extent to which the State or Indian
6 Tribe has been impacted by the public health
7 emergency.

8 (2) NOTIFICATION TO CONGRESS.—Not later
9 than 15 days after determining an amount to allot
10 to each State or Indian Tribe pursuant to paragraph
11 (1), and prior to making grants under this section,
12 the Secretary shall notify Congress of such allotment
13 amounts.

14 (e) DETERMINATION OF LOW-INCOME HOUSE-
15 HOLDS.—

16 (1) MINIMUM DEFINITION OF LOW-INCOME.—In
17 determining whether a household is considered low-
18 income for the purposes of this section, a State or
19 Indian Tribe shall—

20 (A) ensure that, at a minimum, all house-
21 holds within 150 percent of the Federal poverty
22 line are included as low-income households; and

23 (B) consider households that have not pre-
24 viously received assistance under the Low-In-
25 come Home Energy Assistance Act of 1981 in

1 the same manner as households that have pre-
2 viously received such assistance.

3 (2) HOUSEHOLD DOCUMENTATION REQUIRE-
4 MENTS.—States and Indian Tribes shall—

5 (A) to the maximum extent practicable,
6 seek to limit the income history documentation
7 requirements for determining whether a house-
8 hold is considered low-income for the purposes
9 of this section; and

10 (B) for the purposes of income eligibility,
11 accept proof of job loss or severe income loss
12 dated after February 29, 2020, such as a layoff
13 or furlough notice or verification of application
14 of unemployment benefits, as sufficient to dem-
15 onstrate lack of income for an individual or
16 household.

17 (f) APPLICATIONS.—Each State or Indian Tribe de-
18 siring to receive a grant under this section shall submit
19 an application to the Secretary, in such form as the Sec-
20 retary shall require.

21 (g) STATE AGREEMENTS WITH DRINKING WATER
22 AND WASTEWATER PROVIDERS.—To the maximum extent
23 practicable, a State that receives a grant under this sec-
24 tion shall enter into agreements with community water
25 systems, private utilities, municipalities, nonprofit organi-

1 zations associated with providing drinking water, waste-
2 water, and other social services to rural and small commu-
3 nities, and Indian Tribes, to assist in identifying low-in-
4 come households and to carry out this section.

5 (h) ADMINISTRATIVE COSTS.—A State or Indian
6 Tribe that receives a grant under this section may use up
7 to 15 percent of the granted amounts for administrative
8 costs.

9 (i) FEDERAL AGENCY COORDINATION.—In carrying
10 out this section, the Secretary shall coordinate with the
11 Administrator of the Environmental Protection Agency
12 and consult with other Federal agencies with authority
13 over the provision of drinking water and wastewater serv-
14 ices.

15 (j) AUDITS.—The Secretary shall require each State
16 and Indian Tribe receiving a grant under this section to
17 undertake periodic audits and evaluations of expenditures
18 made by such State or Indian Tribe pursuant to this sec-
19 tion.

20 (k) REPORTS TO CONGRESS.—The Secretary shall
21 submit to Congress a report on the results of activities
22 carried out pursuant to this section—

23 (1) not later than 1 year after the date of en-
24 actment of this section; and

1 (2) upon disbursement of all funds appropriated
2 pursuant to this section.

3 (l) DEFINITIONS.—In this section:

4 (1) COMMUNITY WATER SYSTEM.—The term
5 “community water system” has the meaning given
6 such term in section 1401 of the Safe Drinking
7 Water Act (42 U.S.C. 300f).

8 (2) INDIAN TRIBE.—The term “Indian Tribe”
9 means any Indian Tribe, band, group, or community
10 recognized by the Secretary of the Interior and exer-
11 cising governmental authority over a Federal Indian
12 reservation.

13 (3) MUNICIPALITY.—The term “municipality”
14 has the meaning given such term in section 502 of
15 the Federal Water Pollution Control Act (33 U.S.C.
16 1362).

17 (4) PUBLIC HEALTH EMERGENCY.—The term
18 “public health emergency” means the public health
19 emergency described in section 1135(g)(1)(B) of the
20 Social Security Act.

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

23 (6) STATE.—The term “State” means a State,
24 the District of Columbia, the Commonwealth of
25 Puerto Rico, the Virgin Islands of the United States,

1 Guam, American Samoa, and the Commonwealth of
2 the Northern Mariana Islands.

3 **SEC. 199993. DELAY OF STRATEGIC PETROLEUM RESERVE**
4 **SALE.**

5 (a) BIPARTISAN BUDGET ACT OF 2015.—Section
6 404 of the Bipartisan Budget Act of 2015 (42 U.S.C.
7 6239 note) is amended—

8 (1) in subsection (e), by striking “2020” and
9 inserting “2022”; and

10 (2) in subsection (g), by striking “2020” and
11 inserting “2022”.

12 (b) FURTHER CONSOLIDATED APPROPRIATIONS ACT,
13 2020.—Title III of division C of the Further Consolidated
14 Appropriations Act, 2020 (Public Law 116–94) is amend-
15 ed in the matter under the heading “Department of En-
16 ergy—Energy Programs—Strategic Petroleum Reserve”
17 by striking “*Provided, That*” and all that follows through
18 the period at the end and inserting the following: “*Pro-*
19 *vided, That, as authorized by section 404 of the Bipar-*
20 *tisan Budget Act of 2015 (Public Law 114–74; 42 U.S.C.*
21 *6239 note), the Secretary of Energy shall draw down and*
22 *sell not to exceed a total of \$450,000,000 of crude oil from*
23 *the Strategic Petroleum Reserve in fiscal year 2020, fiscal*
24 *year 2021, or fiscal year 2022: *Provided further, That the**
25 *proceeds from such drawdown and sale shall be deposited*

1 into the ‘Energy Security and Infrastructure Moderniza-
2 tion Fund’ during the fiscal year in which the sale occurs
3 and shall be made available in such fiscal year, to remain
4 available until expended, for necessary expenses to carry
5 out the Life Extension II project for the Strategic Petro-
6 leum Reserve.”.

7 **SEC. 199994. EXPANSION OF DOL AUTHORITY TO POSTPONE**
8 **CERTAIN DEADLINES.**

9 Section 518 of the Employee Retirement Income Se-
10 curity Act of 1974 (29 U.S.C. 1148) is amended by strik-
11 ing “or a terroristic or military action (as defined in sec-
12 tion 692(c)(2) of such Code), the Secretary may” and in-
13 serting “a terroristic or military action (as defined in sec-
14 tion 692(c)(2) of such Code), or a public health emergency
15 declared by the Secretary of Health and Human Services
16 pursuant to section 319 of the Public Health Service Act,
17 the Secretary may”.

18 **SEC. 199995. PROVIDING BUREAU OF THE CENSUS ACCESS**
19 **TO INSTITUTIONS OF HIGHER EDUCATION.**

20 (a) IN GENERAL.—Notwithstanding any other provi-
21 sion of law, including section 444 of the General Edu-
22 cation Provisions Act (commonly known as the “Family
23 Educational Rights and Privacy Act of 1974”), an institu-
24 tion of higher education may, in furtherance of a full and
25 accurate decennial census of population count, provide to

1 the Bureau of the Census information requested by the
2 Bureau for purposes of enumeration for the 2020 decen-
3 nial Census.

4 (b) APPLICATION.—

5 (1) INFORMATION.—Only information requested
6 on the official 2020 decennial census of population
7 form may be provided to the Bureau of the Census
8 pursuant to this section. No institution of higher
9 education may provide any information to the Bu-
10 reau on the immigration or citizenship status of any
11 individual.

12 (2) GROUP QUARTERS.—Only students who, ac-
13 cording to guidance from the Bureau, are living in
14 group quarters may be included in the data provided
15 to the Bureau under this section.

16 (3) NOTICE REQUIRED.—Before information
17 can be provided to the Bureau, the institution of
18 higher education shall give public notice of the cat-
19 egories of information which it plans to provide and
20 shall allow 10 days after such notice has been given
21 for a parent or student to inform the institution that
22 any or all of the information designated should not
23 be released without the parent or student's prior
24 consent. No institution of higher education shall pro-
25 vide the Bureau with the information of any indi-

1 **“TITLE VI—TEMPORARY FISCAL**
2 **RELIEF FOR STATES AND LO-**
3 **CALITIES**

4 **“SEC. 601. TEMPORARY FISCAL RELIEF FOR STATES AND**
5 **LOCALITIES.**

6 “(a) APPROPRIATION.—

7 “(1) IN GENERAL.—Out of any money in the
8 Treasury of the United States not otherwise appro-
9 priated, there are appropriated for fiscal year 2020,
10 \$200,000,000,000 for making payments to States,
11 Indian Tribes, and units of local government under
12 this section.

13 “(2) RESERVATION OF FUNDS.—Of the amount
14 appropriated under paragraph (1), the Secretary
15 shall reserve—

16 “(A) \$1,000,000,000 of such amount for
17 making payments to the United States Virgin
18 Islands, Guam, the Commonwealth of the
19 Northern Mariana Islands, or American Samoa;
20 and

21 “(B) \$10,000,000,000 of such amount for
22 making payments to Indian Tribes.

23 “(b) PAYMENTS.—

24 “(1) IN GENERAL.—Subject to paragraph (2),
25 from the amount appropriated under paragraph (1)

1 of subsection (a) for fiscal year 2020 which remains
2 after the application of paragraph (2) of that sub-
3 section, the Secretary shall, not later than the later
4 of the date that is 15 days after the date of enact-
5 ment of this section or the date that a State or In-
6 dian Tribe provides the certification required by sub-
7 section (f) for fiscal year 2020, pay each State or
8 Indian Tribe the amount determined for the State or
9 Indian Tribe for fiscal year 2020 under subsection
10 (c).

11 “(2) DIRECT PAYMENTS TO UNITS OF LOCAL
12 GOVERNMENT.—The Secretary shall establish a
13 process under which, not later than 15 days after
14 the date of enactment of this section, a unit of local
15 government located in a State for which the amount
16 of the payment determined for the State under sub-
17 section (c) for fiscal year 2020 exceeds the minimum
18 payment amount under paragraph (2) of that sub-
19 section, may submit the certification required by
20 subsection (f) to the Secretary and be paid directly
21 the amount determined for such unit of local govern-
22 ment under subsection (c).

23 “(c) DETERMINATION OF PAYMENT AMOUNTS.—

24 “(1) STATES.—Subject to the succeeding para-
25 graphs of this subsection, the amount paid to a

1 State other than a State that is a territory specified
2 in subsection (a)(2)(A) under this section for fiscal
3 year 2020 shall be the amount equal to the relative
4 population proportion amount described in para-
5 graph (4) for such fiscal year.

6 “(2) STATE MINIMUM PAYMENT.—No State
7 that is 1 of the 50 States, the District of Columbia,
8 or the Commonwealth of Puerto Rico, shall receive
9 a payment under this section for fiscal year 2020
10 that is less than, \$2,500,000,000.

11 “(3) DIRECT PAYMENTS TO UNITS OF LOCAL
12 GOVERNMENT.—If a unit of local government of a
13 State submits the certification required by sub-
14 section (f) for purposes of receiving a direct payment
15 from the Secretary under subsection (b)(2), the Sec-
16 retary shall reduce the amount determined for a
17 State under paragraph (1) or (2) (as applicable) by
18 the relative unit of local government population pro-
19 portion (as defined in paragraph (6)).

20 “(4) RELATIVE POPULATION PROPORTION
21 AMOUNT.—The relative population proportion
22 amount described in this paragraph is the product
23 of—

24 “(A) the amount appropriated under para-
25 graph (1) of subsection (a) for fiscal year 2020

1 which remains after the application of para-
2 graph (2) of that subsection; and

3 “(B) the relative State population propor-
4 tion (as defined in paragraph (5)).

5 “(5) RELATIVE STATE POPULATION PROPOR-
6 TION DEFINED.—For purposes of paragraph (4)(B),
7 the term ‘relative State population proportion’
8 means, with respect to a State, the amount equal to
9 the quotient of—

10 “(A) the population of the State; and

11 “(B) the total population of all States.

12 “(6) RELATIVE UNIT OF LOCAL GOVERNMENT
13 POPULATION PROPORTION DEFINED.—For purposes
14 of paragraph (3), the term ‘relative unit of local gov-
15 ernment population proportion’ means, with respect
16 to a unit of local government, the amount equal to
17 the quotient of—

18 “(A) the population of the unit of local
19 government; and

20 “(B) the total population of the State in
21 which the unit of local government is located.

22 “(7) CERTAIN TERRITORIES.—The amount paid
23 to a State that is a territory specified in subsection
24 (a)(2)(A) under this section for fiscal year 2020,
25 shall be the amount equal to the product of the

1 amount set aside under subsection (a)(2)(A) for
2 such fiscal year and each such territory's share of
3 the total population among all such territories, as
4 determined by the Secretary.

5 “(8) INDIAN TRIBES.—From the amount set
6 aside under subsection (a)(2)(B) for fiscal year
7 2020, the Secretary shall determine and pay an
8 amount to each Indian Tribe that submits the cer-
9 tification required under subsection (f) for fiscal
10 year 2020 based on lost revenues of each such In-
11 dian Tribe (or a tribally-owned entity of such Tribe)
12 relative to revenues received in the aggregate in fis-
13 cal year 2019 by the Indian Tribe (tribally-owned
14 entity), and in such manner as the Secretary deter-
15 mines appropriate to ensure that all amounts avail-
16 able under such subsection for fiscal year 2020 are
17 distributed to eligible Indian Tribes.

18 “(9) PRO RATE ADJUSTMENTS.—The Secretary
19 shall adjust on a pro rat basis the amount of the
20 payments determined under this subsection without
21 regard to this paragraph to the extent necessary to
22 comply with the requirements of this subsection.

23 “(10) DATA.—For purposes of this section, the
24 Secretary shall determine the population of a State
25 or unit of local government based on the most recent

1 year for which data are available from the Bureau
2 of the Census.

3 “(d) PAYMENTS MADE IN TWO PARTS.—The Sec-
4 retary shall pay the amounts determined under subsection
5 (c) for States, territories specified in subsection (a)(2)(A),
6 and Indian Tribes (and if applicable, local units of govern-
7 ment) as follows:

8 “(1) The Secretary shall make initial payments
9 in accordance with the deadlines specified in sub-
10 section (b) consisting of—

11 “(A) in the case of a State for which the
12 amount of payment is determined under para-
13 graph (1) or (2) of subsection (c), 50 percent
14 of the amount determined for the State under
15 paragraph (1) of that subsection (taking into
16 account payments to units of local government,
17 if applicable, under subsections (b)(2) and
18 (c)(3)) or 100 percent of the payment amount
19 specified in paragraph (2) of that subsection,
20 whichever is greater; and

21 “(B) in the case of a territory specified in
22 subsection (a)(2)(A) or an Indian Tribe 100
23 percent of the amount determined for such ter-
24 ritory or Indian Tribe under paragraph (7) or
25 (8), respectively, of subsection (c).

1 “(2) In the case of a State for which the initial
2 payment is 50 percent of the amount determined for
3 the State under subsection (c)(1), the Secretary
4 shall pay the State the remaining 50 percent of such
5 amount on the earlier of—

6 “(A) the 1st day of the month succeeding
7 the first month that begins after the date of en-
8 actment of this section for which the national
9 employment-to-population ratio is below 60 per-
10 cent or the seasonally adjusted national unem-
11 ployment rate (U-3) determined by the Bureau
12 of Labor Statistics of the Department of Labor
13 for the applicable calendar month as initially re-
14 ported and prior to any subsequent revisions
15 (rounded to the nearest tenth of a percentage
16 point) exceeds 5.0 percent; or

17 “(B) July 1, 2020.

18 A unit of local government for which a direct pay-
19 ment may be made under subsections (b)(2) and
20 (c)(3) shall be paid at the same time and in the per-
21 centages as the State in which such government is
22 located.

23 “(e) USE OF FUNDS.—

24 “(1) IN GENERAL.—Subject to paragraphs (2)
25 and (3), a State, Indian Tribe, or unit of local gov-

1 ernment shall use the funds provided under a pay-
2 ment made under this section to cover only those
3 costs of the State, Indian Tribe, or unite of local
4 government, such as costs to administer and provide
5 benefits under State unemployment insurance law,
6 that are attributable to the public health emergency
7 with respect to the Coronavirus Disease 2019
8 (COVID–19) that were not accounted for in the
9 budget most recently approved as of the date of en-
10 actment of this section for the State, Indian Tribe,
11 or unit of local government and that were incurred
12 during the period that begins on March 1, 2020, and
13 ends on February 28, 2021.

14 “(2) EXCEPTION.—Notwithstanding para-
15 graph (1), a State, Indian Tribe, or unit of local
16 government may use funds provided under a pay-
17 ment made under this section for costs attributable
18 to the public health emergency with respect to the
19 Coronavirus Disease 2019 (COVID–19) or to pro-
20 vide essential government services accounted for in
21 the budget most recently approved as of the date of
22 enactment of this section for the State, Indian
23 Tribe, or unit of local government that, without the
24 use of such funds, the State, Indian Tribe, or unit
25 of local government would be unable to provide be-

1 cause of decreased or delayed revenues during the
2 period described in paragraph (1).

3 “(3) LIMITATIONS.—A State, Indian Tribe, or
4 unit of local government may not use funds provided
5 under a payment made under this section to—

6 “(A) supplant expenditures permitted
7 under the most recently approved budget for
8 the State, Indian Tribe, or unit of local govern-
9 ment for which the State, Indian Tribe, or unit
10 of local government has funds immediately
11 available; or

12 “(B) provide any kind of tax cut, rebate,
13 deduction, credit, or any other tax benefit, or to
14 reduce or eliminate any other fee imposed by
15 the State, Indian Tribe, or unit of local govern-
16 ment, during the period described in paragraph
17 (1).

18 “(f) CERTIFICATION.—In order to receive a payment
19 under this section for a fiscal year, a State, Indian Tribe,
20 or unit of local government shall provide the Secretary
21 with a certification signed by the Governor of the State
22 or the Chief Executive for the Indian Tribe or unit of local
23 government that the State’s, Indian Tribe’s, or unit of
24 local government’s proposed uses of the funds are con-
25 sistent with subsection (e).

1 “(g) RECOUPMENT.—If the Comptroller General of
2 the United States determines that a State, Indian Tribe,
3 or unit of local government has failed to comply with sub-
4 paragraph (B) of subsection (e)(3), the Secretary shall es-
5 tablish a process for recouping from the State, Indian
6 Tribe, or unit of local government an amount equal to the
7 amount of funds used in violation of such subparagraph.
8 Amounts recovered by the Secretary under this subsection
9 shall be used as follows:

10 “(1) 65 percent of such amounts shall be trans-
11 ferred or credited to the Housing Trust Fund estab-
12 lished under section 1338 of the Federal Housing
13 Enterprises Financial Safety and Soundness Act of
14 1992 (12 U.S.C. 4568); and

15 “(2) 35 percent of such amounts shall be trans-
16 ferred or credited to the Capital Magnet Fund es-
17 tablished under section 1339 of the Federal Housing
18 Enterprises Financial Safety and Soundness Act of
19 1992 (12 U.S.C. 4569).

20 “(h) DEFINITIONS.—In this section:

21 “(1) INDIAN TRIBE.—The term ‘Indian tribe’
22 has the meaning given that term in section 4(e) of
23 the Indian Self-Determination and Education Assist-
24 ance Act (25 U.S.C. 5304(e)).

1 “(2) SECRETARY.—The term ‘Secretary’ means
2 the Secretary of the Treasury.

3 “(3) STATE.—The term ‘State’ means the 50
4 States, the District of Columbia, the Commonwealth
5 of Puerto Rico, the United States Virgin Islands,
6 Guam, the Commonwealth of the Northern Mariana
7 Islands, and American Samoa.

8 “(4) UNIT OF LOCAL GOVERNMENT.—The term
9 ‘unit of local government’ means a county, munici-
10 pality, town, township, village, parish, borough, or
11 other unit of general government below the State
12 level with a population that exceeds 500,000.

13 “(i) EMERGENCY DESIGNATION.—

14 “(1) IN GENERAL.—The amounts provided by
15 this section are designated as an emergency require-
16 ment pursuant to section 4(g) of the Statutory Pay-
17 As-You-Go-Act of 2010 (2 U.S.C. 933(g)).

18 “(2) DESIGNATION IN SENATE.—In the Senate,
19 this section is designated as an emergency require-
20 ment pursuant to section 4112(a) of H. Con. Res.
21 71 (115th Congress), the concurrent resolution on
22 the budget for fiscal year 2018.”.

23 **SEC. 199997. BUDGETARY EFFECTS.**

24 (a) STATUTORY PAYGO SCORECARDS.—The budg-
25 etary effects of division B and each succeeding division

1 shall not be entered on either PAYGO scorecard main-
2 tained pursuant to section 4(d) of the Statutory Pay-As-
3 You-Go Act of 2010.

4 (b) SENATE PAYGO SCORECARDS.—The budgetary
5 effects of division B and each succeeding division shall not
6 be entered on any PAYGO scorecard maintained for pur-
7 poses of section 4106 of H. Con. Res. 71 (115th Con-
8 gress).

9 (c) CLASSIFICATION OF BUDGETARY EFFECTS.—
10 Notwithstanding Rule 3 of the Budget Scorekeeping
11 Guidelines set forth in the joint explanatory statement of
12 the committee of conference accompanying Conference Re-
13 port 105–217 and section 250(c)(8) of the Balanced
14 Budget and Emergency Deficit Control Act of 1985, the
15 budgetary effects of division B and each succeeding divi-
16 sion shall not be estimated—

17 (1) for purposes of section 251 of such Act; and

18 (2) for purposes of paragraph (4)(C) of section
19 3 of the Statutory Pay-As-You-Go Act of 2010 as
20 being included in an appropriation Act.

21 **SEC. 199998. AIRCRAFT GREENHOUSE GAS EMISSION**
22 **STANDARDS.**

23 (a) IN GENERAL.—Not later than 18 months after
24 the date of enactment of this Act, the Administrator of
25 the Environmental Protection Agency shall promulgate

1 final regulations establishing emission standards for emis-
2 sions of greenhouse gases from both new and in-service
3 aircraft pursuant to section 231 of the Clean Air Act (42
4 U.S.C. 7571).

5 (b) SOLICITING COMMENTS.—In proposing such reg-
6 ulations, the Administrator of the Environmental Protec-
7 tion Agency shall solicit comments on—

8 (1) the minimum greenhouse gas emission
9 standards established by the International Civil
10 Aviation Organization; and

11 (2) relative to such minimum standards, green-
12 house gas emission standards that would achieve
13 greater reductions in greenhouse gas emissions.

14 **DIVISION Y—ADDITIONAL**
15 **OTHER MATTERS**

16 **SEC. 101. EMERGENCY RELIEF THROUGH LOANS AND LOAN**
17 **GUARANTEES.**

18 (a) IN GENERAL.—Notwithstanding any other provi-
19 sion of law, to provide liquidity related to losses incurred
20 as a direct result of coronavirus, the Secretary is author-
21 ized to make loans, loan guarantees, and other invest-
22 ments in support of eligible businesses (including women-
23 owned, minority-owned, veteran-owned and rural busi-
24 nesses, and mortgage servicers), States, any bi-State agen-
25 cy, the District of Columbia, territories, municipalities,

1 and federally recognized Tribes that do not, in the aggre-
2 gate, exceed \$250,000,000,000 and provide the subsidy
3 amounts necessary for such loans and loan guarantees in
4 accordance with the provisions of the Federal Credit Re-
5 form Act of 1990 (2 U.S.C. 661 et seq.).

6 (c) LOANS AND LOAN GUARANTEES.—

7 (1) IN GENERAL.—The Secretary shall review
8 and decide on applications for loans and loan guar-
9 antees under this section and may enter into agree-
10 ments to make or guarantee loans to one or more
11 obligors if the Secretary determines, in the Sec-
12 retary's discretion, that—

13 (A) the obligor is a eligible business for
14 which credit is not reasonably available at the
15 time of the transaction;

16 (B) the intended obligation by the obligor
17 is prudently incurred; and

18 (C) the loan is sufficiently secured.

19 (2) TERMS AND LIMITATIONS.—

20 (A) FORMS; TERMS AND CONDITIONS.—

21 Subject to section 407 of division I of this Act,
22 a loan or loan guarantee shall be issued under
23 this section in such form and on such terms
24 and conditions and contain such covenants, rep-
25 resentatives, warranties, and requirements (in-

1 including requirements for audits) as the Sec-
2 retary determines appropriate. Any loans made
3 by the Secretary under this section shall be at
4 a rate not less than a rate determined by the
5 Secretary taking into consideration the current
6 average yield on outstanding marketable obliga-
7 tions of the United States of comparable matu-
8 rity.

9 (B) PROCEDURES.—As soon as prac-
10 ticable, but in no case later than 10 days after
11 the date of enactment of this Act, the Secretary
12 shall publish procedures for application and
13 minimum requirements, which may be supple-
14 mented by the Secretary in the Secretary's dis-
15 cretion, for the making of loans and loan guar-
16 antees under this section.

17 (3) FEDERAL RESERVE PROGRAMS OR FACILI-
18 TIES.—

19 (A) TERMS AND CONDITIONS.—

20 (i) IN GENERAL.—The Secretary may
21 make a loan, loan guarantee, or other in-
22 vestment under this section as part of a
23 program or facility established by the
24 Board of Governors of the Federal Reserve
25 System for the purpose of providing liquid-

1 ity to the financial system that purchases
2 obligations or other interests directly from
3 issuers of such obligations or other inter-
4 ests only to the extent required under a
5 contractual obligation in effect as of the
6 date of enactment of this Act, the issuer of
7 such obligations or interests agrees not to
8 repurchase any outstanding equity inter-
9 ests while the loan, loan guarantee, or
10 other interest under this section is out-
11 standing.

12 (ii) PROGRAMS AND FACILITIES AU-
13 THORIZED UNDER THIS ACT.—Programs
14 and facilities described under clause (i) in-
15 clude those established by the Board of
16 Governors pursuant to the authority pro-
17 vided under section 105(h), 110(g), 201,
18 or 203.

19 (B) LOAN FORGIVENESS.—The principal
20 amount of any obligation issued by an eligible
21 business, State, the District of Columbia, terri-
22 tory, or municipality that is acquired under a
23 program or facility under this section shall not
24 be reduced through loan forgiveness.

1 (C) FEDERAL RESERVE ACT REQUIRE-
2 MENTS APPLY.—For the avoidance of doubt,
3 any applicable requirements under section 13(3)
4 of the Federal Reserve Act (12 U.S.C. 343(3)),
5 including requirements relating to loan
6 collateralization, taxpayer protection, and bor-
7 rower solvency, shall apply with respect to any
8 obligation or other interest issued by an eligible
9 business, State, the District of Columbia, terri-
10 tory, or municipality that is acquired under a
11 program or facility under this section.

12 (d) ADDRESSING PERSISTENT POVERTY IN COUN-
13 TRIES.—In carrying out the authorities provided by this
14 section, the Secretary shall, to the greatest extent possible,
15 ensure that at least 10 percent of the loans, loan guaran-
16 tees, and other investments provided under this sections
17 are used to support counties with a poverty rate of at least
18 20 percent over the last 30 years. The Secretary is also
19 authorized to provide technical assistance to such coun-
20 tries to encourage participation in the program.

21 (e) FINANCIAL PROTECTION OF GOVERNMENT.—

22 (1) IN GENERAL.—To the extent feasible and
23 practicable, the Secretary shall ensure that the Fed-
24 eral Government is compensated for the risk as-

1 sumed in making loans and loan guarantees under
2 this section.

3 (2) GOVERNMENT PARTICIPATION IN GAINS.—If
4 an eligible business receives a loan or loan guarantee
5 from the Federal Government under this section,
6 subject to Section 408 of Division I, the Secretary
7 shall enter into contracts under which the Federal
8 Government, contingent on the financial success of
9 the eligible business, would participate in the gains
10 of the eligible business or its security holders
11 through the use of such instruments as warrants,
12 stock options, common or preferred stock, or other
13 appropriate equity instruments.

14 (f) DEPOSIT OF PROCEEDS.—Amounts collected by
15 the Secretary under this section, including the proceeds
16 of investments, earnings, and interest collected, shall be
17 deposited in the Treasury as miscellaneous receipts.

18 (g) ADMINISTRATIVE EXPENSES.—Notwithstanding
19 any other provision of law, the Secretary may use
20 \$100,000,000 of the funds made available under this sec-
21 tion to pay costs and administrative expenses associated
22 with the provision of direct loans or guarantees authorized
23 under this section.

24 (h) TRANSPARENCY OF FINANCIAL ASSISTANCE.—
25 The Secretary shall provide a weekly report to the Con-

1 gress, including the House Committee on Financial Serv-
2 ices and the Senate Committee on Banking, Housing, and
3 Urban Affairs, providing a detailed description of the sta-
4 tus of the implementation of this section, including pro-
5 viding a list of recipients and amounts of any loan, loan
6 guarantee, or investment. The Secretary shall make each
7 report immediately available to the public.

8 (i) CERTIFICATION OF THE SECRETARY.—The Sec-
9 retary shall certify to Congress in the report described in
10 subsection (h) that any corporation that receives aid pur-
11 suant to this section does not provide a direct financial
12 benefit to the President of the United States or to any
13 company in which the President owns a controlling inter-
14 est.

15 (j) CONFORMING AMENDMENT.—Section 5302(a)(1)
16 of title 31, United States Code, is amended—

17 (1) by striking “and” before “section 3”; and

18 (2) by inserting “Financial Protections and As-
19 sistance for America’s Consumers, States, Busi-
20 nesses, and Vulnerable Populations Act,” before
21 “and for investing”.

22 **SEC. 102. LIMITATION ON CERTAIN EMPLOYEE COMPENSA-**
23 **TION.**

24 (a) IN GENERAL.—The Secretary may only enter into
25 a loan or loan agreement under section 101(a) of this divi-

1 sion with an eligible business after the eligible business
2 enters into a legally binding agreement with the Secretary
3 that, during the period beginning March 1, 2020, and end-
4 ing March 1, 2022 or the termination of the loan or loan
5 agreement under section 101(a) of this division, which is
6 later, no officer or employee of the eligible business—

7 (1) will receive from the eligible business total
8 compensation which exceeds \$425,000, during any
9 12 consecutive months of such period; and

10 (2) will receive from the eligible business sever-
11 ance pay or other benefits upon termination of em-
12 ployment with the eligible business which exceeds
13 twice the compensation described in paragraph (1).

14 (b) **TOTAL COMPENSATION DEFINED.**—In this sec-
15 tion, the term “total compensation” includes salary, bo-
16 nuses, awards of stock, and other financial benefits pro-
17 vided by an eligible business to an officer or employee of
18 the eligible business.

19 **SEC. 103. REQUIREMENT TO PROVIDE EMPLOYEE HEALTH**
20 **INSURANCE BENEFITS.**

21 (a) **IN GENERAL.**—The Secretary may not provide
22 any loans or loan guarantees under paragraph (1), (2),
23 or (3) of section 4101(b) to an eligible business, unless
24 the eligible business certifies that the eligible business cur-
25 rently provides, or will provide within 60 days from receipt

1 of the loan or loan guarantee, and any contractor, subcon-
2 tractor, or affiliate of the eligible business, currently pro-
3 vides, or will provide within 60 days from receipt of the
4 loan or loan guarantee, to any employee based in the
5 United States, health insurance benefits equal to or great-
6 er than the hourly health and welfare fringe benefit rate
7 published by the Department of Labor pursuant to the
8 McNamara-O’Hara Service Contract Act of 1965 (41
9 U.S.C. 6710–6707) and section 4.52 of title 28, Code of
10 Federal Regulations, for all hours worked by each em-
11 ployee, and shall continue to do so for at least the 5-year
12 period after any loan or loan guarantee provided to the
13 eligible business under this subtitle ends.

14 **SEC. 104. PROHIBITION ON OUTSOURCING AND REQUIRE-**
15 **MENT FOR ON-SHORING.**

16 (a) IN GENERAL.—The Secretary may not provide
17 any loan, or enter into a loan guarantee to an eligible busi-
18 ness under of section 4101(b) unless the eligible business
19 enters into a legally binding agreement with the Secretary
20 that during the 5-year period beginning on the date on
21 which the eligible business receives the funds or, in the
22 case of a loan, during the period of the loan and for 5
23 years after that period, the eligible business shall—

24 (1) not outsource to any other business, includ-
25 ing through contracting, any job, function, or labor

1 that was previously performed by direct employees of
2 the eligible business who were laid off or furloughed
3 after January 1, 2020;

4 (2) on-shore to a State any job, function, or
5 labor that—

6 (A) the eligible business needs additional
7 employees, contractors, or hours of labor to ful-
8 fill; and

9 (B) arise after the date on which the le-
10 gally binding agreement is executed; and

11 (3) require that any contractor supplying goods
12 or services to the eligible business under a contract
13 comply with the paragraphs (1) and (2).

14 (b) SUSPENSION OF ASSISTANCE.—If an eligible
15 business does not comply with the requirements under
16 subsection (a), the Secretary—

17 (1) shall suspend all financial assistance to the
18 eligible business; and

19 (2) may not provide any additional financial as-
20 sistance to the eligible business until the date on
21 which the eligible business complies with all such re-
22 quirements.

1 **SEC. 105. REQUIREMENT TO BE NEUTRAL IN UNION ORGA-**
2 **NIZING CAMPAIGNS.**

3 (a) RAILWAY LABOR ACT.—Section 2 of the Railway
4 Labor Act (45 U.S.C. 152) is amended by adding at the
5 end the following:

6 “Thirteenth. Any carrier by air (including carriers by
7 air) who received a loan or loan guarantee under para-
8 graph (1), (2), or (3) of section 4101(b) of the
9 Coronavirus Economic Stabilization Act of 2020 shall not,
10 during the term of the loan or guarantee, and for the 5-
11 year period beginning on the date on which the loan or
12 guarantee is repaid—

13 “(1) require or coerce an employee of the car-
14 rier to attend or participate in such carrier’s cam-
15 paign activities unrelated to the employee’s job du-
16 ties, including activities that would be subject to the
17 requirements under section 203(b) of the Labor-
18 Management Reporting and Disclosure Act of 1959
19 (29 U.S.C. 433(b)) as though the carrier by air were
20 an employer under that Act; or

21 “(2) engage any person or entity to carry out
22 the activities described in paragraph (1), or provide
23 other related services to employees.

24 “Fourteenth. Any carrier by air (including carriers
25 by air) who received a loan or loan guarantee under para-
26 graph (1), (2), or (3) of section 4101(b) of the

1 Coronavirus Economic Stabilization Act of 2020 shall,
2 during the term of the loan or guarantee, and for the 5-
3 year period beginning on the date on which the loan or
4 guarantee is repaid, remain neutral during any organizing
5 campaign for a representative by the employees of the car-
6 rier.”.

7 (b) NATIONAL LABOR RELATIONS ACT.—Section
8 8(a)(5) of the National Labor Relations Act (29 U.S.C.
9 158(a)(5)) is amended—

10 (1) by striking “to refuse” and inserting “(A)
11 to refuse”;

12 (2) by striking the period at the end and insert-
13 ing “; or”; and

14 (3) by adding at the end the following:

15 “(B) in the case of any employer who re-
16 ceived a loan or loan guarantee under para-
17 graph (1), (2), or (3) of section 4101(b) of the
18 Coronavirus Economic Stabilization Act of
19 2020, any other employer who provides goods
20 or services under a contract to such an em-
21 ployer, or any other employer who provides
22 goods or services to a person subject to the
23 Railway Labor Act (45 U.S.C. 151 et seq.) who
24 received a loan or loan guarantee under such a
25 paragraph of such section 4101(b)—

1 “(i) to, during the term of the loan or
2 guarantee, and for the 5-year period begin-
3 ning on the date on which the loan or
4 guarantee is repaid, require or coerce an
5 employee to attend or participate in such
6 employer’s campaign activities unrelated to
7 the employee’s job duties, including activi-
8 ties that are subject to the requirements
9 under section 203(b) of the Labor-Management
10 Reporting and Disclosure Act of
11 1959 (29 U.S.C. 433(b));

12 “(ii) to, during the term of the loan or
13 guarantee, and for the 5-year period begin-
14 ning on the date on which the loan or
15 guarantee is repaid, engage any person or
16 entity to carry out the activities described
17 in clause (i), or provide other related serv-
18 ices to employees; or

19 “(iii) to, during the term of the loan
20 or guarantee, and for the 5-year period be-
21 ginning on the date on which the loan or
22 guarantee is repaid, fail to remain neutral
23 during any organizing campaign by the
24 employees of the employer on behalf of
25 representation by a labor organization.”.

1 **SEC. 106. MAINTENANCE OF EMPLOYEE RETIREMENT**
2 **PLANS.**

3 (a) IN GENERAL.—The Secretary shall only make a
4 loan, or enter into a loan guarantee, under paragraph (1),
5 (2), or (3) of section 4101(b) to an eligible business after
6 the eligible business enters into a legally binding agree-
7 ment with the Secretary that, during the period beginning
8 March 1, 2020, and ending 5 years after the repayment
9 of any such loan—

10 (1) the eligible business will not amend any
11 plan described in section 401(a) of the Internal Rev-
12 enue Code of 1986 maintained by the eligible busi-
13 ness to eliminate coverage of any employee under
14 such plan who was eligible in the plan year imme-
15 diately preceding the plan year in which the eligible
16 business enters into a loan agreement under para-
17 graph (1), (2), or (3) of section 4101(b) of this Act;
18 and

19 (2) the eligible business will maintain all ac-
20 crual rates (including any matching contributions or
21 nonelective employer contributions) for any plan de-
22 scribed in section 401(a) of such Code maintained
23 by the eligible employer at a rate equal to the rate
24 under such plan for the plan year immediately pre-
25 ceding the plan year in which the eligible business

1 enters into a loan agreement under paragraph (1),
2 (2), or (3) of section 4101(b) of this Act.

3 (b) **AFFILIATES OF ELIGIBLE BUSINESS.**—Any busi-
4 nesses treated as a single employer under the rules of sub-
5 section (b), (c), (m), or (o) of section 414 of the Internal
6 Revenue Code (applied as modified by section 415(h) of
7 the Internal Revenue Code) shall be treated as a single
8 employer for purposes of this section.

9 **SEC. 107. EXPANSION OF ELIGIBILITY FOR HEALTH CARE**
10 **TAX CREDIT; EXTENSION OF CREDIT.**

11 (a) **EXPANSION OF ELIGIBILITY.**—

12 (1) **IN GENERAL.**—Paragraph (1) of section
13 35(c) of the Internal Revenue Code of 1986 is
14 amended by striking “and” at the end of subpara-
15 graph (B), by striking the period at the end of sub-
16 paragraph (C) and inserting “, and”, and by adding
17 at the end the following new subparagraph:

18 “(D) an eligible national defense or infra-
19 structure worker.”.

20 (2) **ELIGIBLE NATIONAL DEFENSE OR INFRA-**
21 **STRUCTURE WORKER.**—Subsection (c) of section 35
22 of the Internal Revenue Code of 1986 is amended by
23 adding at the end the following new paragraph:

24 “(5) **ELIGIBLE NATIONAL DEFENSE OR INFRA-**
25 **STRUCTURE WORKER.**—

1 “(A) IN GENERAL.—The term ‘eligible na-
2 tional defense or infrastructure worker’ means
3 an individual who—

4 “(i) as of January 31, 2020, was em-
5 ployed in a critical industry,

6 “(ii) who filed for unemployment com-
7 pensation (as defined in section 85(b))
8 after January 31, 2020, and before the ap-
9 plicable date, and

10 “(iii) who is covered under qualified
11 health insurance described in subsection
12 (e)(1)(A).

13 “(B) CRITICAL INDUSTRY.—For purposes
14 of this paragraph, the term ‘critical industry’
15 means—

16 “(i) an industry related to critical na-
17 tional infrastructure or national defense, or

18 “(ii) a critical industry which is se-
19 verely distressed in connection with the
20 coronavirus national emergency, as deter-
21 mined by the Secretary, including the air-
22 port, air carrier (as defined in section
23 40102 of title 49, United States Code),
24 and aerospace industries.

1 “(C) APPLICABLE DATE.—For purposes of
2 this paragraph, the term ‘applicable date’
3 means the earlier of—

4 “(i) the date which is 6 months after
5 the last day on which the coronavirus na-
6 tional emergency declaration is in effect, or

7 “(ii) January 1, 2023.

8 “(D) CORONAVIRUS NATIONAL EMER-
9 GENCY.—For purposes of this paragraph—

10 “(i) IN GENERAL.—The coronavirus
11 national emergency is the emergency with
12 respect to which the President made the
13 declarations described in clause (ii).

14 “(ii) DECLARATIONS.—The last day
15 on which the coronavirus national emer-
16 gency declaration is in effect is the later
17 of—

18 “(I) the last day on which the
19 declaration of the emergency involving
20 Federal primary responsibility deter-
21 mined to exist by the President under
22 the section 501(b) of the Robert T.
23 Stafford Disaster Relief and Emer-
24 gency Assistance Act (42 U.S.C.
25 5191(b)) with respect to coronavirus

1 disease 2019 (COVID-19) is in effect;
2 or

3 “(II) the last day on which the
4 declaration of the national emergency
5 declared by the President under the
6 National Emergencies Act (50 U.S.C.
7 1601 et seq.) with respect to
8 coronavirus disease 2019 (COVID-19)
9 is in effect.”.

10 (3) ADVANCE PAYMENT OF CREDIT.—Para-
11 graph (1) of section 7527(d) of the Internal Revenue
12 Code of 1986 is amended by striking “or” at the
13 end of subparagraph (A), by striking the period at
14 the end of subparagraph (B) and inserting “, or”,
15 and by adding at the end the following new subpara-
16 graph:

17 “(C) in the case of an eligible national de-
18 fense or infrastructure worker (as defined in
19 section 35(e)(5)), is certified by the Secretary
20 (or by any other person or entity designated by
21 the Secretary) (in consultation with the Sec-
22 retary of Transportation (or any other person
23 or entity designated by such Secretary), in the
24 case of a worker in aviation- or aerospace-re-
25 lated industries).”.

1 (4) EFFECTIVE DATE.—The amendments made
2 by this subsection shall apply to months beginning
3 after January 31, 2020.

4 (b) EXTENSION OF CREDIT.—

5 (1) IN GENERAL.—Subparagraph (B) of section
6 35(b)(1) of the Internal Revenue Code of 1986 is
7 amended by striking “January 1, 2021” and insert-
8 ing “January 1, 2023”.

9 (2) EFFECTIVE DATE.—The amendment made
10 by this subsection shall apply to months beginning
11 after December 31, 2020.

12 **SEC. 108. DEFINITIONS.**

13 In this division:

14 (1) COVERED LOSS.—The term “covered loss”
15 includes losses, direct or incremental, incurred as a
16 result of COVID–19, as determined by the Sec-
17 retary.

18 (2) ELIGIBLE BUSINESS.—The term “eligible
19 business” means a United States business that has
20 incurred covered losses such that the continued oper-
21 ations of the business are jeopardized, as determined
22 by the Secretary, and that has not otherwise applied
23 for or received economic relief in the form of loans
24 or loan guarantees provided under any other provi-
25 sion of this Act.

1 (3) SECRETARY.—The term “Secretary” means
2 the Secretary of the Treasury, or the designee of the
3 Secretary of the Treasury.

4 **SEC. 109. RULE OF CONSTRUCTION.**

5 Nothing in this division shall be construed to allow
6 the Secretary to provide relief to eligible businesses except
7 in the form of secured loans and loan guarantees as pro-
8 vided in this title and under terms and conditions that
9 are in the interest of the Federal Government.

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