amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2552. Mr. SCOTT, of Florida (for himself, Ms. ERNST, and Ms. MCSALLY) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2553. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2554. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table .

SA 2555. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2556. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table .

SA 2557. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2558. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, supra; which was ordered to lie on the table .

SA 2559. Mr. ROMNEY (for himself, Ms. COLLINS, and Ms. MCSALLY) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2560. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2561. Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2562. Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2563. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2564. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2565. Mr. CORNYN (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2566. Mrs. HYDE–SMITH submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, supra; which was ordered to lie on the table.

SA 2567. Mr. MCCONNELL (for Mrs. CAPITO (for herself and Mr. PETERS)) proposed an amendment to the bill S. 384, to require the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, to help facilitate the adoption of composite technology in infrastructure in the United States, and for other purposes.

TEXT OF AMENDMENTS

SA 2505. Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3. SMALL BUSINESS RECOVERY.

(a) SHORT TITLE.—This section may be cited as the ''Continuing Small Business Recovery and Paycheck Protection Program Act''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATION; ADMINISTRATOR.—The terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively.

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

(c) EMERGENCY RULEMAKING AUTHORITY.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this section and the amendments made by this section without regard to the notice requirements under section 553(b) of title 5, United States Code.

(d) ADDITIONAL ELIGIBLE EXPENSES.—

(1) ALLOWABLE USE OF PPP LOAN.—Section 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(i)) is amended—

(A) in subclause (VI), by striking ''and'' at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(VIII) covered operations expenditures, as defined in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

''(IX) covered property damage costs, as defined in such section 1106(a);

''(X) covered supplier costs, as defined in such section 1106(a); and

''(XI) covered worker protection expenditures, as defined in such section 1106(a).''.

(2) LOAN FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(ii) by redesignating paragraph (5) as paragraph (8);

(iii) by redesignating paragraph (4) as paragraph (6);

(iv) by redesignating paragraph (3) as paragraph (4);

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

''(3) the term 'covered operations expenditure' means a payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records and expenses;'';

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

''(5) the term 'covered property damage cost' means a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation;'';

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

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

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

''(9) the term 'covered worker protection expenditure'—

''(A) means an operating or a capital expenditure that is required to facilitate the adaptation of the business activities of an entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration during the period beginning on March 1, 2020 and ending December 31, 2020 related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID–19;

''(B) may include—

''(i) the purchase, maintenance, or renovation of assets that create or expand—

''(I) a drive-through window facility;

''(II) an indoor, outdoor, or combined air or air pressure ventilation or filtration system;

''(III) a physical barrier such as a sneeze guard;

''(IV) an indoor, outdoor, or combined commercial real property;

''(V) an onsite or offsite health screening capability; or

''(VI) other assets relating to the compliance with the requirements or guidance described in subparagraph (A), as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

''(ii) the purchase of—

''(I) covered materials described in section 328.103(a) of title 44, Code of Federal Regulations, or any successor regulation;

''(II) particulate filtering facepiece respirators approved by the National Institute for Occupational Safety and Health, including those approved only for emergency use authorization; or

''(III) other kinds of personal protective equipment, as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

''(C) does not include residential real property or intangible property;''; and

(ix) in paragraph (11), as so redesignated—

(I) in subparagraph (C), by striking ''and'' at the end;

(II) in subparagraph (D), by striking ''and'' at the end; and

(III) by adding at the end the following:

''(E) covered operations expenditures;

''(F) covered property damage costs;

''(G) covered supplier costs; and

''(H) covered worker protection expenditures; and'';

(B) in subsection (b), by adding at the end the following:

''(5) Any covered operations expenditure.

''(6) Any covered property damage cost.

''(7) Any covered supplier cost.

''(8) Any covered worker protection expenditure.'';

(C) in subsection (d)(8), by inserting ''any payment on any covered operations expenditure, any payment on any covered property damage cost, any payment on any covered supplier cost, any payment on any covered worker protection expenditure,'' after ''rent obligation,''; and

(D) in subsection (e)—

(i) in paragraph (2), by inserting ''payments on covered operations expenditures, payments on covered property damage costs, payments on covered supplier costs, payments on covered worker protection expenditures,'' after ''lease obligations,''; and

(ii) in paragraph (3)(B), by inserting ''make payments on covered operations expenditures, make payments on covered property damage costs, make payments on covered supplier costs, make payments on covered worker protection expenditures,'' after ''rent obligation,''.

(e) LENDER SAFE HARBOR.—Subsection (h) of section 1106 of the CARES Act (15 U.S.C. 9005) is amended to read as follows:

''(h) HOLD HARMLESS.—

''(1) IN GENERAL.—A lender may rely on any certification or documentation submitted by an applicant for a covered loan or an eligible recipient of a covered loan that—

''(A) is submitted pursuant to any statutory requirement relating to covered loans or any rule or guidance issued to carry out any action relating to covered loans; and

''(B) attests that the applicant or eligible recipient, as applicable, has accurately verified any certification or documentation provided to the lender.

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

''(A) an enforcement action may not be taken against the lender acting in good faith relating to origination or forgiveness of a covered loan based on such reliance; and

''(B) the lender acting in good faith shall not be subject to any penalties relating to origination or forgiveness of a covered loan based on such reliance.''.

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

(1) by amending paragraph (4) of subsection (a), as so redesignated by subsection (d) of this section, to read as follows:

''(4) the term 'covered period' means the period—

''(A) beginning on the date of the origination of a covered loan; and

''(B) ending on a date selected by the eligible recipient of the covered loan that occurs during the period—

''(i) beginning on the date that is 8 weeks after such date of origination; and

''(ii) ending on December 31, 2020;''; and

(2) by striking subsection (l).

(g) SIMPLIFIED APPLICATION.—Section 1106 of the CARES Act (15 U.S.C. 9005), as amended by subsection (f) of this section, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking ''An eligible'' and inserting ''Except as provided in subsection (l), an eligible'';

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

(3) by adding at the end the following:

''(l) SIMPLIFIED APPLICATION.—

''(1) COVERED LOANS UNDER $150,000.—

''(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is not more than $150,000, the covered loan amount shall be forgiven under this section if the eligible recipient—

''(i) signs and submits to the lender an attestation that the eligible recipient made a good faith effort to comply with the requirements under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)); and

''(ii) for the 1-year period following submission of the attestation under clause (i), retains records relevant to the attestation that prove compliance with those requirements.

''(B) DEMOGRAPHIC INFORMATION.—An eligible recipient of a covered loan described in subparagraph (A) may complete and submit any form related to borrower demographic information.

''(C) AUDIT.—The Administrator may—

''(i) review and audit covered loans described in subparagraph (A); and

''(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

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

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

''(2) COVERED LOANS BETWEEN $150,000 AND $2,000,000.—

''(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is more than $150,000 and not more than $2,000,000—

''(i) the eligible recipient seeking loan forgiveness under this section—

''(I) is not required to submit the supporting documentation described in paragraph (1) or (2) of subsection (e) or the certification described in subsection (e)(3)(A);

''(II) shall retain all relevant schedules, worksheets, and supporting documentation for the 3-year period following submission of the application for loan forgiveness; and

''(III) may complete and submit any form related to borrower demographic information;

''(ii) review by the lender of an application submitted by the eligible recipient for loan forgiveness under this section shall be limited to whether the lender received a complete application, with all fields completed, initialed, or signed, as applicable; and

''(iii) the lender shall—

''(I) accept the application submitted by the eligible recipient for loan forgiveness under this section; and

''(II) submit the application to the Administrator.

''(B) AUDIT.—The Administrator may—

''(i) review and audit covered loans described in subparagraph (A); and

''(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

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

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

''(3) AUDIT PLAN.—

''(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Continuing Small Business Recovery and Paycheck Protection Program Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details—

''(i) the policies and procedures of the Administrator for conducting reviews and audits of covered loans; and

''(ii) the metrics that the Administrator shall use to determine which covered loans will be audited for each category of covered loans described in paragraphs (1) and (2).

''(B) REPORTS.—Not later than 30 days after the date on which the Administrator submits the audit plan required under subparagraph (A), and each month thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the review and audit activities of the Administrator under this subsection, which shall include—

''(i) the number of active reviews and audits;

''(ii) the number of reviews and audits that have been ongoing for more than 60 days; and

''(iii) any substantial changes made to the audit plan submitted under subparagraph (A).''.

(h) GROUP INSURANCE PAYMENTS AS PAYROLL COSTS.—Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by inserting ''and other group insurance'' before ''benefits''.

(i) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(37) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the terms 'community financial institutions', 'credit union', 'eligible self-employed individual', 'insured depository institution', 'nonprofit organization', 'payroll costs', 'seasonal employer', and 'veterans organization' have the meanings given those terms in paragraph (36), except that 'eligible entity' shall be substituted for 'eligible recipient' each place it appears in the definitions of those terms;

''(ii) the term 'covered loan' means a loan made under this paragraph;

''(iii) the terms 'covered mortgage obligation', 'covered operating expenditure', 'covered property damage cost', 'covered rent obligation', 'covered supplier cost', 'covered utility payment', and 'covered worker protection expenditure' have the meanings given those terms in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

''(iv) the term 'covered period' means the period beginning on the date of the origination of a covered loan and ending on December 31, 2020;

''(v) the term 'eligible entity'—

''(I) means any business concern, nonprofit organization, veterans organization, Tribal business concern, eligible self-employed individual, sole proprietor, independent contractor, or small agricultural cooperative that—

''(aa)(AA) with respect to a business concern, would qualify as a small business concern by the annual receipts size standard (if applicable) established by section 121.201 of title 13, Code of Federal Regulations, or any successor regulation; or

''(BB) if the entity does not qualify as a small business concern, meets the alternative size standard established under section 3(a)(5);

''(bb) employs not more than 300 employees; and

''(cc)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are not less than 35 percent less than the gross receipts of the entity during the same quarter in 2019;

''(BB) if the entity was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the third or fourth quarter of 2019;

''(CC) if the entity was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the fourth quarter of 2019; or

''(DD) if the entity was not in business during 2019, but was in operation on February

15, 2020, had gross receipts during the second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the first quarter of 2020;

''(II) includes an organization described in subparagraph (D)(vii) of paragraph (36) that is eligible to receive a loan under that paragraph and that meets the requirements described in items (aa) and (cc) of subclause (I); and

''(III) does not include—

''(aa) an issuer, the securities of which are listed on an exchange registered a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);

''(bb) any entity that—

''(AA) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (l) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation;

''(BB) is a type of business concern described in section 120.110(g) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Criteria and Requirements for Certain Pledges of Loans' (85 Fed. Reg. 21747 (April 20, 2020));

''(CC) is a type of business concern described in section 120.110(i) of title 13, Code of Federal Regulations, or any successor regulation, except if the business concern is an organization described in paragraph (36)(D)(vii);

''(DD) is a type of business concern described in section 120.110(j) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rules of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Electric Cooperatives' (85 Fed. Reg. 29847 (May 19, 2020)) and 'Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Telephone Cooperatives' (85 Fed. Reg. 35550 (June 11, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

''(EE) is a type of business concern described in section 120.110(n) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Revisions to First Interim Final Rule' (85 Fed. Reg. 38301 (June 26, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

''(FF) is a type of business concern described in section 120.110(o) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in any guidance or rule issued or that may be issued by the Administrator; or

''(GG) is an entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents;

''(HH) is an entity that would be described in the subsections listed in subitems (AA) through (GG) if the entity were a business concern; or

''(II) is assigned, or was approved for a loan under paragraph (36) with, a North American Industry Classification System code beginning with 52;

''(cc) any business concern or entity primarily engaged in political or lobbying activities, which shall include any entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents; or

''(dd) any business concern or entity—

''(AA) for which an entity created in or organized under the laws of the People's Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People's Republic of China or the Special Administrative Region of Hong Kong, owns or holds, directly or indirectly, not less than 20 percent of the economic interest of the business concern or entity, including as equity shares or a capital or profit interest in a limited liability company or partnership; or

''(BB) that retains, as a member of the board of directors of the business concern, a person who is a resident of the People's Republic of China;

''(vi) the terms 'exchange', 'issuer', and 'security' have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); and

''(vii) the term 'Tribal business concern' means a Tribal business concern described in section 31(b)(2)(C).

''(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans to eligible entities under the same terms, conditions, and processes as a loan made under paragraph (36).

''(C) MAXIMUM LOAN AMOUNT.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the maximum amount of a covered loan made to an eligible entity is the lesser of—

''(I) the product obtained by multiplying—

''(aa) at the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity during—

''(AA) the 1-year period before the date on which the loan is made; or

''(BB) calendar year 2019; by

''(bb) 2.5; or

''(II) $2,000,000.

''(ii) SEASONAL EMPLOYERS.—The maximum amount of a covered loan made to an eligible entity that is a seasonal employer is the lesser of—

''(I) the product obtained by multiplying—

''(aa) at the election of the eligible entity, the average total monthly payments for payroll costs incurred or paid by the eligible entity—

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

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

''(bb) 2.5; or

''(II) $2,000,000.

''(iii) NEW ENTITIES.—The maximum amount of a covered loan made to an eligible entity that did not exist during the 1-year period preceding February 15, 2020 is the lesser of—

''(I) the product obtained by multiplying—

''(aa) the quotient obtained by dividing—

''(AA) the sum of the total monthly payments by the eligible entity for payroll costs paid or incurred by the eligible entity as of the date on which the eligible entity applies for the covered loan; by

''(BB) the number of months in which those payroll costs were paid or incurred; by

''(bb) 2.5; or

''(II) $2,000,000.

''(iv) LIMIT FOR MULTIPLE LOCATIONS.—With respect to an eligible entity with more than 1 physical location, the total amount of all covered loans shall be not more than $2,000,000.

''(v) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

''(vi) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed $10,000,000.

''(D) EXCEPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—An eligible entity applying for a covered loan shall not be required to make the certification described in subclause (III) or (IV) of paragraph (36)(G)(i).

''(E) FEE WAIVER.—With respect to a covered loan—

''(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

''(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

''(F) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZATIONS.—

''(i) SENSE OF CONGRESS.—It is the sense of Congress that the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program' (85 Fed. Reg. 20817 (April 15, 2020)) properly clarified the eligibility of churches and religious organizations for loans made under paragraph (36).

''(ii) APPLICABILITY OF PROHIBITION.—The prohibition on eligibility established by section 120.110(k) of title 13, Code of Federal Regulations, or any successor regulation, shall not apply to a covered loan.

''(G) GROSS RECEIPTS FOR NONPROFIT AND VETERANS ORGANIZATIONS.—For purposes of calculating gross receipts under subparagraph (A)(v)(I)(cc) for an eligible entity that is a nonprofit organization, a veterans organization, or an organization described in subparagraph (A)(v)(II), gross receipts—

''(i) shall include proceeds from fundraising events, federated campaigns, gifts, donor-advised funds, and funds from similar sources; and

''(ii) shall not include—

''(I) Federal grants (excluding any loan forgiveness on loans received under paragraph (36) or this paragraph);

''(II) revenues from a supporting organization;

''(III) grants from private foundations that are disbursed over the course of more than 1 calendar year; or

''(IV) any contribution of property other than money, stocks, bonds, and other securities, provided that the non-cash contribution is not sold by the organization in a transaction unrelated to the tax-exempt purpose of the organization.

''(H) LOAN FORGIVENESS.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, an eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in the same manner as an eligible recipient with respect to a loan made under paragraph (36), as described in section 1106 of the CARES Act (15 U.S.C. 9005).

''(ii) FORGIVENESS AMOUNT.—An eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in an amount equal to the sum of the following costs incurred or expenditures made during the covered period:

''(I) Payroll costs.

''(II) Any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation).

''(III) Any covered operations expenditure.

''(IV) Any covered property damage cost.

''(V) Any payment on any covered rent obligation.

''(VI) Any covered utility payment.

''(VII) Any covered supplier cost.

''(VIII) Any covered worker protection expenditure.

''(iii) LIMITATION ON FORGIVENESS FOR ALL ELIGIBLE ENTITIES.—The forgiveness amount under this subparagraph shall be equal to the lesser of—

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

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

''(aa) the amount of the covered loan used for payroll costs during the covered period; and

''(bb) 0.60.

''(I) LENDER ELIGIBILITY.—Except as otherwise provided in this paragraph, a lender approved to make loans under paragraph (36) may make covered loans under the same terms and conditions as in paragraph (36).

''(J) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

''(i) 3 percent of the principal amount of the financing of the covered loan up to $350,000; and

''(ii) 1 percent of the principal amount of the financing of the covered loan above $350,000, if applicable.

''(K) SET ASIDE FOR SMALL ENTITIES.—Not less than $25,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made to eligible entities with not more than 10 employees as of February 15, 2020.

''(L) SET ASIDE FOR COMMUNITY FINANCIAL INSTITUTIONS, SMALL INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND FARM CREDIT SYSTEM INSTITUTIONS.—Not less than $10,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made by—

''(i) community financial institutions;

''(ii) insured depository institutions with consolidated assets of less than $10,000,000,000;

''(iii) credit unions with consolidated assets of less than $10,000,000,000; and

''(iv) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than $10,000,000,000 (not including the Federal Agricultural Mortgage Corporation).

''(M) PUBLICATION OF GUIDANCE.—Not later than 10 days after the date of enactment of this paragraph, the Administrator shall issue guidance addressing barriers to accessing capital for minority, underserved, veteran, and women-owned business concerns for the purpose of ensuring equitable access to covered loans.

''(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.

''(O) PROHIBITION ON USE OF PROCEEDS FOR LOBBYING ACTIVITIES.—None of the proceeds of a covered loan may be used for—

''(i) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

''(ii) lobbying expenditures related to a State or local election; or

''(iii) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.''.

(j) CONTINUED ACCESS TO THE PAYCHECK PROTECTION PROGRAM.—

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

(2) APPLICABILITY OF MAXIMUM LOAN AMOUNT CALCULATION.—

(A) DEFINITIONS.—In this paragraph, the terms ''covered loan'' and ''eligible recipient'' have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(B) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan applied for by an eligible recipient on or after the date of enactment of this Act.

(k) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN LOAN AMOUNT DUE TO UPDATED REGULATIONS.—

(1) DEFINITIONS.—In this subsection, the terms ''covered loan'' and ''eligible recipient'' have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(2) INCREASED AMOUNT.—Notwithstanding the interim final rule issued by the Administration entitled ''Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Increases'' (85 Fed. Reg. 29842 (May 19, 2020)), an eligible recipient of a covered loan that is eligible for an increased covered loan amount as a result of any interim final rule that allows for covered loan increases may submit a request for an increase in the covered loan amount even if—

(A) the initial covered loan amount has been fully disbursed; or

(B) the lender of the initial covered loan has submitted to the Administration a Form 1502 report related to the covered loan.

(l) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS UNDER THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (j) of this section, is amended—

(A) in subparagraph (E), in the matter preceding clause (i), by striking ''During'' and inserting ''Except as provided in subparagraph (T), during''; and

(B) by adding at the end the following:

''(T) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS.—

''(i) DEFINITION.—In this subparagraph, the term 'covered recipient' means an eligible recipient that—

''(I) operates as a sole proprietorship or as an independent contractor, or is an eligible self-employed individual;

''(II) reports farm income or expenses on a Schedule F (or any equivalent successor schedule); and

''(III) was in business during the period beginning on February 15, 2019 and ending on June 30, 2019.

''(ii) NO EMPLOYEES.—With respect to covered recipient without employees, the maximum covered loan amount shall be the lesser of—

''(I) the sum of—

''(aa) the product obtained by multiplying—

''(AA) the gross income of the covered recipient in 2019, as reported on a Schedule F (or any equivalent successor schedule), that is not more than $100,000, divided by 12; and

''(BB) 2.5; and

''(bb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on April 3, 2020 that the borrower intends to refinance under the covered loan, not including any amount of any advance under the loan that is not required to be repaid; or

''(II) $2,000,000.

''(iii) WITH EMPLOYEES.—With respect to a covered recipient with employees, the maximum covered loan amount shall be calculated using the formula described in subparagraph (E), except that the gross income of the covered recipient described in clause (ii)(I)(aa)(AA) of this subparagraph, as divided by 12, shall be added to the sum calculated under subparagraph (E)(i)(I).

''(iv) RECALCULATION.—A lender that made a covered loan to a covered recipient before the date of enactment of this subparagraph may, at the request of the covered recipient—

''(I) recalculate the maximum loan amount applicable to that covered loan based on the formula described in clause (ii) or (iii), as applicable, if doing so would result in a larger covered loan amount; and

''(II) provide the covered recipient with additional covered loan amounts based on that recalculation.''.

(m) FARM CREDIT SYSTEM INSTITUTIONS.—

(1) DEFINITION OF FARM CREDIT SYSTEM INSTITUTION.—In this subsection, the term ''Farm Credit System institution''—

(A) means an institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); and

(B) does not include the Federal Agricultural Mortgage Corporation.

(2) FACILITATION OF PARTICIPATION IN PPP AND SECOND DRAW LOANS.—

(A) APPLICABLE RULES.—Solely with respect to loans under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), Farm Credit Administration regulations and guidance issued as of July 14, 2020, and compliance with such regulations and guidance, shall be deemed functionally equivalent to requirements referenced in section 3(a)(iii)(II) of the interim final rule of the Administration entitled ''Business Loan Program Temporary Changes; Paycheck Protection Program'' (85 Fed. Reg. 20811 (April 15, 2020)) or any similar requirement referenced in that interim final rule in implementing such paragraph (37).

(B) APPLICABILITY OF CERTAIN LOAN REQUIREMENTS.—For purposes of making loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgiving those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37), sections 4.13, 4.14, and 4.14A of the Farm Credit Act of 1971 (12 U.S.C. 2199, 2202, 2202a) (including regulations issued under those sections) shall not apply.

(C) RISK WEIGHT.—

(i) IN GENERAL.—With respect to the application of Farm Credit Administration capital requirements, a loan described in clause (ii)—

(I) shall receive a risk weight of zero percent; and

(II) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio or calculation.

(ii) LOANS DESCRIBED.—A loan referred to in clause (i) is—

(I) a loan made by a Farm Credit Bank described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) to a Federal Land Bank Association, a Production Credit Association, or an agricultural credit association described in that section to make loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgive those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37); or

(II) a loan made by a Federal Land Bank Association, a Production Credit Association, an agricultural credit association, or the bank for cooperatives described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(D) RESERVATION OF LOAN GUARANTEES.—Section 7(a)(36)(S) of the Small Business Act (15 U.S.C. 636(a)(36)(S)) is amended—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end;

(II) in subclause (II), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(III) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of not less than $10,000,000,000 and less than $50,000,000,000.''; and

(ii) in clause (ii)—

(I) in subclause (II), by striking ''and'' at the end;

(II) in subclause (III), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(IV) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than $10,000,000,000.''.

(n) DEFINITION OF SEASONAL EMPLOYER.—

(1) PPP LOANS.—Section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

(A) in clause (xi), by striking ''and'' at the end;

(B) in clause (xii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(xiii) the term 'seasonal employer' means an eligible recipient that—

''(I) does not operate for more than 7 months in any calendar year; or

''(II) during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year.''.

(2) LOAN FORGIVENESS.—Paragraph (12) of section 1106(a) of the CARES Act (15 U.S.C. 9005(a)), as so redesignated by subsection (d)(2) of this section, is amended to read as follows:

''(12) the terms 'payroll costs' and 'seasonal employer' have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).''.

(o) CHANGES TO THE 7(A) LOAN GUARANTY PROGRAM FOR RECOVERY SECTOR BUSINESS CONCERNS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by subsection (i) of this section, is amended by adding at the end the following:

''(38) RECOVERY SECTOR LOANS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'covered loan' means a loan made under this paragraph;

''(ii) the term 'covered population census tract' means a population census tract for which—

''(I) in the case of a tract that is not located within a metropolitan area, the median income does not exceed 80 percent of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median family income; or

''(II) in the case of a tract that is located within a metropolitan area, the median family income does not exceed 80 percent of the greater of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median family income and the metropolitan area median family income;

''(iii) the term 'covered seasonal employer' means a small business concern that—

''(I) is a seasonal employer, as defined in paragraph (36); and

''(II) during the preceding calendar year—

''(aa) had gross receipts as described in paragraph (36)(A)(xiii)(II); and

''(bb) employed not more than 250 employees during not fewer than 5 months out of that year;

''(iv) the term 'eligible entity'—

''(I) means any small business concern that—

''(aa) except with respect to a covered seasonal employer, employs not more than 500 employees;

''(bb)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are less than 50 percent of the gross receipts of the business concern during the same quarter in 2019;

''(BB) if the small business concern was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during the third or fourth quarter of 2019;

''(CC) if the small business concern was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during the fourth quarter of 2019; or

''(DD) if the small business concern was not in business during the first or second quarter of 2020, had gross receipts during any 2-month period during 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during any other 2-month period during 2020; and

''(cc)(AA) is a covered seasonal employer seeking a covered loan of not more than $2,000,000; or

''(BB) is a small business concern the principal place of business of which is in, and not less than 50 percent of the total gross income of which is derived from the active conduct of the business concern within, a small business low-income census tract; and

''(II) does not include—

''(aa) an entity described in paragraph (37)(A)(v)(II);

''(bb) any entity that received a loan under paragraph (37); or

''(cc) any entity that received a loan under paragraph (36) after the date of enactment of this paragraph; and

''(v) the term 'small business low-income census tract'—

''(I) means—

''(aa) a covered population census tract for which the poverty rate is not less than 20 percent; or

''(bb) an area—

''(AA) that is not tracted as a population census tract;

''(BB) for which the poverty rate in the equivalent county division (as defined by the Bureau of the Census) is not less than 20 percent; and

''(CC) for which the median income in the equivalent county division (as defined by the Bureau of the Census) does not exceed 80 percent of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median income; and

''(II) does not include any area or population census tract with a median family income that is not less than 120 percent of the median family income in the United States, according to the most recent American Communities Survey data from the Bureau of the Census.

''(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans made to eligible entities—

''(i) under the same terms, conditions, and processes as a loan made under this subsection; and

''(ii) to meet working capital needs, acquire fixed assets, or refinance existing indebtedness while recovering from the COVID–19 pandemic.

''(C) MAXIMUM LOAN AMOUNT.—The maximum amount of a covered loan made to an eligible entity shall be the lesser of—

''(i) $10,000,000; or

''(ii) the amount equal to 200 percent of the average annual receipts of the eligible entity.

''(D) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

''(E) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed $10,000,000.

''(F) APPLICATION DEADLINE.—An eligible entity desiring a covered loan shall submit an application not later than December 31, 2020.

''(G) FEE WAIVER.—With respect to a covered loan—

''(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

''(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

''(H) LOAN TERMS.—

''(i) IN GENERAL.—In order to receive a covered loan, an eligible entity shall not be required to show that the eligible entity is unable to obtain credit elsewhere.

''(ii) MATURITY AND INTEREST RATE.—A covered loan shall—

''(I) have a maturity of 20 years; and

''(II) bear an interest rate of equal to the sum of—

''(aa) the Secured Overnight Financing Rate in effect for each of the days in the relevant quarter that interest is charged, as compiled and released by the Federal Reserve Bank of New York; and

''(bb) 300 basis points.

''(iii) GUARANTEE.—In an agreement to participate in a covered loan on a deferred basis, the participation by the Administration shall be 100 percent of the covered loan.

''(iv) SUBSIDY FOR INTEREST PAYMENTS.—

''(I) IN GENERAL.—The Administrator shall pay the amount of interest that is owed on a covered loan in regular servicing status for the maturity of the loan such that the interest rate paid by the eligible entity is, at all times, equal to a rate of 1 percent.

''(II) TIMING OF PAYMENT.—The Administrator shall—

''(aa) begin making payments under subclause (I) not later than 30 days after the date on which the first such payment is due; and

''(bb) make payments without regard to the payment deferral described in clause (iv).

''(III) APPLICATION OF PAYMENT.—Any payment made by the Administrator under subclause (I) shall be applied to the covered loan such that the eligible entity is relieved of the obligation to pay that amount.

''(v) PAYMENT DEFERRAL.—

''(I) IN GENERAL.—No payment of principal or interest shall be due on a covered loan for the first 2 years of the covered loan.

''(II) ADDITIONAL DEFERRAL.—After the 2-year deferral period under subclause (I), the Administrator may grant not more than an additional 2 years of principal deferral to the eligible entity if the eligible entity is certified by the Administrator and the Secretary as economically distressed based on

publicly available criteria established by the Administrator.

''(vi) LIMITATION ON CHANGES IN TERMS.—Notwithstanding any other provision of this subsection, for a covered loan, the Administrator shall not approve any increase in loan amount or change in guaranty percentage, interest rate, interest accrual method, or maturity, except for such changes as may be necessary for prepayment and the deferment of payment under clause (v).

''(I) PROHIBITION ON USE OF PROCEEDS FOR DISASTER LOANS.—An eligible entity shall not use the proceeds of a covered loan to refinance any loan made under subsection (b).

''(J) SECONDARY MARKET.—In order to increase the liquidity of the secondary market for covered loans, the Administrator shall, not later than 60 days after the date of enactment of this paragraph, substantially reduce barriers to the sale of covered loans on the secondary market.

''(K) LENDER ELIGIBILITY.—In order to increase access to and the equitable distribution of covered loans, the Administrator shall establish a process by which a lender approved to make loans under paragraph (36) may make covered loans.

''(L) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

''(i) 3 percent of the principal amount of the financing of the covered loan up to $350,000; and

''(ii) 1 percent of the principal amount of the financing of the covered loan above $350,000, if applicable.

''(M) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.''.

(p) ELIGIBILITY OF 501(C)(6) ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended—

(1) in clause (v), by inserting ''or whether an organization described in clause (vii) employs not more than 150 employees,'' after ''clause (i)(I),'';

(2) in clause (vi), by inserting '', an organization described in clause (vii),'' after ''nonprofit organization''; and

(3) by adding at the end the following:

''(vii) ELIGIBILITY FOR CERTAIN 501(C)(6) ORGANIZATIONS.—

''(I) IN GENERAL.—Except as provided in subclause (II), any organization that is described in section 501(c)(6) of the Internal Revenue Code and that is exempt from taxation under section 501(a) of such Code (excluding professional sports leagues and organizations with the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if—

''(aa) the organization does not receive more than 10 percent of its receipts from lobbying activities;

''(bb) the lobbying activities of the organization do not comprise more than 10 percent of the total activities of the organization; and

''(cc) the organization employs not more than 150 employees.

''(II) DESTINATION MARKETING ORGANIZATIONS.—Notwithstanding subclause (I), during the covered period, any destination marketing organization shall be eligible to receive a covered loan if—

''(aa) the destination marketing organization does not receive more than 10 percent of its receipts from lobbying activities;

''(bb) the lobbying activities of the destination marketing organization do not comprise more than 10 percent of the total activities of the organization;

''(cc) the destination marketing organization employs not more than 150 employees; and

''(dd) the destination marketing organization—

''(AA) is described in section 501(c) of the Internal Revenue Code and is exempt from taxation under section 501(a) of such Code; or

''(BB) is a quasi-governmental entity or is a political subdivision of a State or local government, including any instrumentality of those entities.''.

(q) PROHIBITION ON USE OF LOAN PROCEEDS FOR LOBBYING ACTIVITIES.—Section 7(a)(36)(F) of the Small Business Act (15 U.S.C. 636(a)(36)(F)) is amended by adding at the end the following:

''(vi) PROHIBITION.—None of the proceeds of a covered loan may be used for—

''(I) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

''(II) lobbying expenditures related to a State or local election; or

''(III) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.''.

(r) EFFECTIVE DATE; APPLICABILITY.—The amendments made to paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title I of the CARES Act (Public Law 116–136) under this section shall be effective as if included in the CARES Act and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(s) BANKRUPTCY PROVISIONS.—

(1) IN GENERAL.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

''(g)(1) The court, after notice and a hearing, may authorize a debtor in possession or a trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of this title to obtain a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), and such loan shall be treated as a debt to the extent the loan is not forgiven in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) or subparagraph (H) of such paragraph (37), as applicable, with priority equal to a claim of the kind specified in subsection (c)(1) of this section.

''(2) The trustee may incur debt described in paragraph (1) notwithstanding any provision in a contract, prior order authorizing the trustee to incur debt under this section, prior order authorizing the trustee to use cash collateral under section 363, or applicable law that prohibits the debtor from incurring additional debt.

''(3) The court shall hold a hearing within 7 days after the filing and service of the motion to obtain a loan described in paragraph (1).''.

(2) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(A) in paragraph (8)(B), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) any debt incurred under section 364(g)(1) of this title.''.

(3) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1191 of title 11, United States Code, is amended by adding at the end the following:

''(f) SPECIAL PROVISION RELATED TO COVID–19 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of this title and subsection (e) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed under subsection (b) of this section if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(4) CONFIRMATION OF PLAN FOR FAMILY FARMERS AND FISHERMEN.—Section 1225 of title 11, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding section 1222(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(5) CONFIRMATION OF PLAN FOR INDIVIDUALS.—Section 1325 of title 11, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding section 1322(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(6) EFFECTIVE DATE; SUNSET.—

(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (5) shall—

(i) take effect on the date on which the Administrator submits to the Director of the Executive Office for United States Trustees a written determination that, subject to satisfying any other eligibility requirements, any debtor in possession or trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of title 11, United States Code, would be eligible for a loan under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

(ii) apply to any case pending on or commenced on or after the date described in clause (i).

(B) SUNSET.—

(i) IN GENERAL.—If the amendments made by this subsection take effect under subparagraph (A), effective on the date that is 2 years after the date of enactment of this Act—

(I) section 364 of title 11, United States Code, is amended by striking subsection (g);

(II) section 503(b) of title 11, United States Code, is amended—

(aa) in paragraph (8)(B), by adding ''and'' at the end;

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

(cc) by striking paragraph (10);

(III) section 1191 of title 11, United States Code, is amended by striking subsection (f);

(IV) section 1225 of title 11, United States Code, is amended by striking subsection (d); and

(V) section 1325 of title 11, United States Code, is amended by striking subsection (d).

(ii) APPLICABILITY.—Notwithstanding the amendments made by clause (i) of this subparagraph, if the amendments made by paragraphs (1), (2), (3), (4), and (5) take effect under subparagraph (A) of this paragraph, such amendments shall apply to any case under title 11, United States Code, commenced before the date that is 2 years after the date of enactment of this Act.

(t) OVERSIGHT.—

(1) COMPLIANCE WITH OVERSIGHT REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on and after the date of enactment of this Act, the Administrator shall comply with any data or information

requests or inquiries made by the Comptroller General of the United States not later than 30 days (or such later date as the Comptroller General may specify) after receiving the request or inquiry.

(B) EXCEPTION.—If the Administrator is unable to comply with a request or inquiry described in subparagraph (A) within the 30-day period or, if applicable, later period described in that clause, the Administrator shall, during that 30-day (or later) period, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a notification that includes a detailed justification for the inability of the Administrator to comply with the request or inquiry.

(2) TESTIMONY.—Not later than the date that is 30 days after the date of enactment of this Act, and every quarter thereafter until the date that is 2 years after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding implementation of this section and the amendments made by this section.

(u) CONFLICTS OF INTEREST.—

(1) DEFINITIONS.—In this subsection:

(A) CONTROLLING INTEREST.—The term ''controlling interest'' means owning, controlling, or holding not less than 20 percent, by vote or value, of the outstanding amount of any class of equity interest in an entity.

(B) COVERED ENTITY.—

(i) DEFINITION.—The term ''covered entity'' means an entity in which a covered individual directly or indirectly holds a controlling interest.

(ii) TREATMENT OF SECURITIES.—For the purpose of determining whether an entity is a covered entity, the securities owned, controlled, or held by 2 or more individuals who are related as described in subparagraph (C)(ii) shall be aggregated.

(C) COVERED INDIVIDUAL.—The term ''covered individual'' means—

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

(ii) the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of an individual described in clause (i).

(D) EXECUTIVE DEPARTMENT.—The term ''Executive department'' has the meaning given the term in section 101 of title 5, United States Code.

(E) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a Member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(F) EQUITY INTEREST.—The term ''equity interest'' means—

(i) a share in an entity, without regard to whether the share is—

(I) transferable; or

(II) classified as stock or anything similar;

(ii) a capital or profit interest in a limited liability company or partnership; or

(iii) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in clause (i) or (ii), respectively.

(2) REQUIREMENT.—The principal executive officer and the principal financial officer, or individuals performing similar functions, of an entity seeking to enter a transaction made under paragraph (36), (37), or (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, shall, before that transaction is approved, disclose to the Administrator whether the entity is a covered entity.

(3) APPLICABILITY.—The requirement under paragraph (2)—

(A) shall apply with respect to any transaction made under paragraph (36), (37), or (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, on or after the date of enactment of this Act; and

(B) shall not apply with respect to—

(i) any transaction described in subparagraph (A) that was made before the date of enactment of this Act; or

(ii) forgiveness under section 1106 of the CARES Act (15 U.S.C. 9005) or any other provision of law of any loan associated with any transaction described in subparagraph (A) that was made before the date of enactment of this Act.

(v) SMALL BUSINESS INVESTMENT COMPANY PROGRAM.—

(1) IN GENERAL.—Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended—

(A) in section 302(a) (15 U.S.C. 682(a))—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''or'' at the end;

(II) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(C) $20,000,000, adjusted every 5 years for inflation, with respect to each licensee authorized or seeking authority to sell bonds to Administration as a participating investment company under section 321.''; and

(B) by adding at the end the following:

''SEC. 321. SMALL BUSINESS AND DOMESTIC PRODUCTION RECOVERY INVESTMENT FACILITY.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE SMALL BUSINESS CONCERN.—The term 'eligible small business concern'—

''(A) means a small business concern that—

''(i) meets the revenue reduction requirements established by paragraph (37)(A)(v)(I)(cc) of section 7(a) of the Small Business Act (15 U.S.C. 636(a));

''(ii) is a manufacturing business that is assigned a North American Industry Classification System code beginning with 31, 32, or 33 at the time at which the small business concern receives an investment from a participating investment company under the facility; or

''(iii) is located in a small business low-income census tract; and

''(B) does not include an entity described in paragraph (37)(A)(v)(II) of such section 7(a).

''(2) FACILITY.—The term 'facility' means the facility established under subsection (b).

''(3) FUND.—The term 'Fund' means the fund established under subsection (h).

''(4) PARTICIPATING INVESTMENT COMPANY.—The term 'participating investment company' means a small business investment company approved under subsection (d) to participate in the facility

''(5) PROTÉGÉ INVESTMENT COMPANY.—The term 'protégé investment company' means a small business investment company that—

''(A) is majority managed by new, inexperienced, or otherwise underrepresented fund managers; and

''(B) elects and is selected by the Administration to participate in the pathway-protégé program under subsection (g).

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

''(7) SMALL BUSINESS LOW-INCOME CENSUS TRACT.—The term 'small business low-income census tract' has the meaning given the term in section 7(a)(38)(A) of the Small Business Act.

''(b) ESTABLISHMENT.—

''(1) FACILITY.—The Administrator shall establish and carry out a facility to improve the recovery of eligible small business concerns from the COVID–19 pandemic, increase resiliency in the manufacturing supply chain of eligible small business concerns, and increase the economic development of small business low-income census tracts by providing financial assistance to participating investment companies that facilitate equity financings to eligible small business concerns in accordance with this section.

''(2) ADMINISTRATION OF FACILITY.—The facility shall be administered by the Administrator acting through the Associate Administrator described in section 201.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—Any small business investment company may submit to the Administrator an application to participate in the facility.

''(2) REQUIREMENTS FOR APPLICATION.—An application to participate in the facility shall include the following:

''(A) A business plan describing how the applicant intends to make successful equity investments in eligible small business concerns.

''(B) Information regarding the relevant investment qualifications and backgrounds of the individuals responsible for the management of the applicant.

''(C) A description of the extent to which the applicant meets the selection criteria under subsection (d)(2).

''(3) EXCEPTIONS TO APPLICATION FOR NEW LICENSEES.—Not later than 90 days after the date of enactment of this section, the Administrator shall reduce requirements for applicants applying to operate as a participating investment company under this section in order to encourage the participation of new small business investment companies in the facility under this section, which may include the requirements established under part 107 of title 13, Code of Federal Regulations, or any successor regulation, relating to—

''(A) the approval of initial management expenses;

''(B) the management ownership diversity requirement;

''(C) the disclosure of general compensatory practices and fee structures; or

''(D) any other requirement that the Administrator determines to be an obstacle to achieving the purposes described in this paragraph.

''(d) SELECTION OF PARTICIPATING INVESTMENT COMPANIES.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after the date on which the Administrator receives an application under subsection (c), the Administrator shall—

''(i) make a final determination to approve or disapprove such applicant to participate in the facility; and

''(ii) transmit the determination to the applicant in writing.

''(B) COMMITMENT AMOUNT.—Except as provided in paragraph (3), at the time of approval of an applicant, the Administrator shall make a determination of the amount of the commitment that may be awarded to the applicant under this section.

''(2) SELECTION CRITERIA.—In making a determination under paragraph (1), the Administrator shall consider—

''(A) the probability that the investment strategy of the applicant will successfully repay any financial assistance provided by the Administration, including the probability of a return significantly in excess thereof;

''(B) the probability that the investments made by the applicant will—

''(i) provide capital to eligible small business concerns; or

''(ii) create or preserve jobs in the United States;

''(C) the probability that the applicant will meet the objectives in the business plan of the applicant, including the financial goals, and, if applicable, the pathway-protégé program in accordance with subsection (g); and

''(D) the probability that the applicant will assist eligible small business concerns in achieving profitability.

''(3) APPROVAL OF PARTICIPATING INVESTMENT COMPANIES.—

''(A) PROVISIONAL APPROVAL.—

''(i) IN GENERAL.—Notwithstanding paragraph (1), with respect to an application submitted by an applicant to operate as a participating investment company under this section, the Administrator may provide provisional approval for the applicant in lieu of a final determination of approval and determination of the amount of the commitment under that paragraph.

''(ii) PURPOSE.—The purpose of a provisional approval under clause (i) is to—

''(I) encourage applications from investment companies with an investment mandate from the committed private market capital of the investment company that does not conform to the requirements described in this section at the time of application;

''(II) allow the applicant to more effectively raise capital commitments in the private markets by referencing the intent of the Administrator to award the applicant a commitment; and

''(III) allow the applicant to more precisely request the desired amount of commitment pending the securing of capital from private market investors.

''(iii) LIMIT ON PERIOD OF THE TIME.—The period between a provisional approval under clause (i) and the final determination of approval under paragraph (1) shall not exceed 12 months.

''(e) COMMITMENTS AND SBIC BONDS.—

''(1) IN GENERAL.—The Administrator may, out of amounts available in the Fund, purchase or commit to purchase from a participating investment company 1 or more accruing bonds that include equity features as described in this subsection.

''(2) BOND TERMS.—A bond purchased by the Administrator from a participating investment company under this subsection shall have the following terms and conditions:

''(A) TERM AND INTEREST.—

''(i) IN GENERAL.—The bond shall be issued for a term of not less than 15 years and shall bear interest at a rate determined by the Administrator of not more than 2 percent.

''(ii) ACCRUAL OF INTEREST.—Interest on the bond shall accrue and shall be payable in accordance with subparagraph (D).

''(iii) PREPAYMENT.—The bond shall be prepayable without penalty after the end of the 1-year period beginning on the date on which the bond was purchased.

''(B) PROFITS.—

''(i) IN GENERAL.—The Administration shall be entitled to receive a share of the profits net of any profit sharing performance compensation of the participating investment company equal to the quotient obtained by dividing—

''(I) one-third of the commitment that the participating investment company is approved for under subsection (d); by

''(II) the commitment approved under subsection (d) plus the regulatory capital of the participating investment company at the time of approval under that subsection.

''(ii) DETERMINATION OF PERCENTAGE.—The share to which the Administration is entitled under clause (i)—

''(I) shall be determined at the time of approval under subsection (d); and

''(II) without the approval of the Administration, shall not be revised, including to reflect subsequent distributions of profits, returns of capital, or repayments of bonds, or otherwise.

''(C) PROFIT SHARING PERFORMANCE COMPENSATION.—

''(i) RECEIPT BY ADMINISTRATION.—The Administration shall receive a share of profits of not more than 2 percent, which shall be deposited into the Fund and be available to make commitments under this subsection.

''(ii) RECEIPT BY MANAGERS.—The managers of the participating investment company may receive a maximum profit sharing performance compensation of 25 percent minus the share of profits paid to the Administration under clause (i).

''(D) PROHIBITION ON DISTRIBUTIONS.—No distributions on capital, including profit distributions, shall be made by the participating investment company to the investors or managers of the participating investment company until the Administration has received payment of all accrued interest on the bond committed under this section.

''(E) REPAYMENT OF PRINCIPAL.—Except as described in subparagraph (F), repayments of principal of the bond of a participating investment company shall be—

''(i) made at the same time as returns of private capital; and

''(ii) in amounts equal to the pro rata share of the Administration of the total amount being repaid or returned at such time.

''(F) LIQUIDATION OR DEFAULT.—Upon any liquidation event or default, as defined by the Administration, any unpaid principal or accrued interest on the bond shall—

''(i) have a priority over all equity of the participating investment company; and

''(ii) be paid before any return of equity or any other distributions to the investors or managers of the participating investment company.

''(3) AMOUNT OF COMMITMENTS AND PURCHASES.—

''(A) MAXIMUM AMOUNT.—The maximum amount of outstanding bonds and commitments to purchase bonds for any participating investment company under the facility shall be the lesser of—

''(i) twice the amount of the regulatory capital of the participating investment company; or

''(ii) $200,000,000.

''(4) COMMITMENT PROCESS.—Commitments by the Administration to purchase bonds under the facility shall remain available to be sold by a participating investment company until the end of the fourth fiscal year following the year in which the commitment is made, subject to review and approval by the Administration based on regulatory compliance, financial status, change in management, deviation from business plan, and such other limitations as may be determined by the Administration by regulation or otherwise.

''(5) COMMITMENT CONDITIONS.—

''(A) IN GENERAL.—As a condition of receiving a commitment under the facility, not less than 50 percent of amounts invested by the participating investment company shall be invested in eligible small business concerns.

''(B) EXAMINATIONS.—In addition to the matters set forth in section 310(c), the Administration shall examine each participating investment company in such detail so as to determine whether the participating investment company has complied with the requirements under this subsection.

''(f) DISTRIBUTIONS AND FEES.—

''(1) DISTRIBUTION REQUIREMENTS.—

''(A) DISTRIBUTIONS.—As a condition of receiving a commitment under the facility, a participating investment company shall make all distributions to the Administrator in the same form and in a manner as are made to investors, or otherwise at a time and in a manner consistent with regulations or policies of the Administration.

''(B) ALLOCATIONS.—A participating investment company shall make allocations of income, gain, loss, deduction, and credit to the Administrator with respect to any outstanding bonds as if the Administrator were an investor.

''(2) FEES.—The Administrator may not charge fees for participating investment companies other than examination fees that are consistent with the license of the participating investment company.

''(3) BIFURCATION.—Losses on bonds issued by participating investment companies shall not be offset by fees or any other charges on debenture small business investment companies.

''(g) PROTÉGÉ PROGRAM.—The Administrator shall establish a pathway-protégé program in which a protégé investment company may receive technical assistance and program support from a participating investment company on a voluntary basis and without penalty for non-participation.

''(h) LOSS LIMITING FUND.—

''(1) IN GENERAL.—There is established in the Treasury a fund for making commitments and purchasing bonds with equity features under the facility and receiving capital returned by participating investment companies.

''(2) USE OF FUNDS.—Amounts appropriated to the Fund or deposited in the Fund under paragraph (3) shall be available to the Administrator, without further appropriation, for making commitments and purchasing bonds under the facility and expenses and payments, excluding administrative expenses, relating to the operations of the Administrator under the facility.

''(3) DEPOSITING OF AMOUNTS.—

''(A) IN GENERAL.—All amounts received by the Administrator from a participating investment company relating to the facility, including any moneys, property, or assets derived by the Administrator from operations in connection with the facility, shall be deposited in the Fund.

''(B) PERIOD OF AVAILABILITY.—Amounts deposited under subparagraph (A) shall remain available until expended.

''(i) APPLICATION OF OTHER SECTIONS.—To the extent not inconsistent with requirements under this section, the Administrator may apply sections 309, 311, 312, 313, and 314 to activities under this section and an officer, director, employee, agent, or other participant in a participating investment company shall be subject to the requirements under such sections.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the first fiscal year beginning after the date of enactment of this part $10,000,000,000 to carry out the facility. Amounts appropriated pursuant to this subsection shall remain available until the end of the second fiscal year beginning after the date of enactment of this section.''.

(2) APPROVAL OF BANK-OWNED, NON-LEVERAGED APPLICANTS.—Section 301(c)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)(2)) is amended—

(A) in subparagraph (B), in the matter preceding clause (i), by striking ''Within'' and inserting ''Except as provided in subparagraph (C), within''; and

(B) by adding at the end the following:

''(C) EXCEPTION FOR BANK-OWNED, NON-LEVERAGED APPLICANTS.—Notwithstanding subparagraph (B), not later than 45 days after

the date on which the Administrator receives a completed application submitted by a bank-owned, non-leveraged applicant in accordance with this subsection and in accordance with such requirements as the Administrator may prescribe by regulation, the Administrator shall—

''(i) review the application in its entirety; and

''(ii)(I) approve the application and issue a license for such operation to the applicant if the requirements of this section are satisfied; or

''(II) disapprove the application and notify the applicant in writing of the disapproval.''.

(3) ELECTRONIC SUBMISSIONS.—Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

''SEC. 322. ELECTRONIC SUBMISSIONS.

''The Administration shall permit any document submitted under this title, or pursuant to a regulation carrying out this title, to be submitted electronically, including by permitting an electronic signature for any signature that is required on such a document.''.

(w) COMMITMENT AUTHORITY AND APPROPRIATIONS.—

(1) COMMITMENT AUTHORITY.—

(A) CARES ACT AMENDMENTS.—Section 1102(b) of the CARES Act (Public Law 116–136) is amended—

(i) in paragraph (1)—

(I) in the paragraph heading, by inserting ''AND SECOND DRAW'' after ''PPP'';

(II) by striking ''August 8, 2020'' and inserting ''December 31, 2020'';

(III) by striking ''paragraph (36)'' and inserting ''paragraphs (36) and (37)''; and

(IV) by striking ''$659,000,000,000'' and inserting ''$748,990,000,000''; and

(ii) by amending paragraph (2) to read as follows:

''(B) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading 'Small Business Administration—Business Loans Program Account' in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116–193) shall apply with respect to any commitments under such section 7(a) other than under paragraphs (36), (37), and (38) of such section 7(a).''.

(B) RECOVERY SECTOR LOANS.—During the period beginning on the date of enactment of this Act and ending on December 31, 2020, the amount authorized for commitments under paragraph (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by this section, shall be $100,000,000,000.

(2) DIRECT APPROPRIATIONS.—

(A) RESCISSION.—With respect to unobligated balances under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' as of the day before the date of enactment of this Act, $100,000,000,000 shall be rescinded and deposited into the general fund of the Treasury.

(B) NEW DIRECT APPROPRIATIONS.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020—

(i) to remain available until September 30, 2021, for additional amounts—

(I) $189,990,000,000 under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' for the cost of guaranteed loans as authorized under paragraph (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this section;

(II) $57,700,000,000 under the heading ''Small Business Administration—Recovery Sector Loans'' for the cost of guaranteed loans as authorized under paragraph (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by this section; and

(III) $10,000,000 under the heading under the heading ''Department of Commerce—Minority Business Development Agency'' for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns; and

(ii) to remain available until September 30, 2023, $10,000,000,000 under the heading ''Small Business Administration—SBIC'' to carry out part D of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), as added by this section.

(C) AVAILABILITY OF AMOUNTS APPROPRIATED FOR THE OFFICE OF INSPECTOR GENERAL.—Section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)) is amended by striking ''September 20, 2024'' and inserting ''expended''.

(x) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided under this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 2506. Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL BUSINESS RECOVERY.

(a) SHORT TITLE.—This section may be cited as the ''Continuing Small Business Recovery and Paycheck Protection Program Act''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATION; ADMINISTRATOR.—The terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively.

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

(c) EMERGENCY RULEMAKING AUTHORITY.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this section and the amendments made by this section without regard to the notice requirements under section 553(b) of title 5, United States Code.

(d) ADDITIONAL ELIGIBLE EXPENSES.—

(1) ALLOWABLE USE OF PPP LOAN.—Section 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(i)) is amended—

(A) in subclause (VI), by striking ''and'' at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(VIII) covered operations expenditures, as defined in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

''(IX) covered property damage costs, as defined in such section 1106(a);

''(X) covered supplier costs, as defined in such section 1106(a); and

''(XI) covered worker protection expenditures, as defined in such section 1106(a).''.

(2) LOAN FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(ii) by redesignating paragraph (5) as paragraph (8);

(iii) by redesignating paragraph (4) as paragraph (6);

(iv) by redesignating paragraph (3) as paragraph (4);

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

''(3) the term 'covered operations expenditure' means a payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records and expenses;'';

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

''(5) the term 'covered property damage cost' means a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation;'';

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

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

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

''(9) the term 'covered worker protection expenditure'—

''(A) means an operating or a capital expenditure that is required to facilitate the adaptation of the business activities of an entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration during the period beginning on March 1, 2020 and ending December 31, 2020 related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID–19;

''(B) may include—

''(i) the purchase, maintenance, or renovation of assets that create or expand—

''(I) a drive-through window facility;

''(II) an indoor, outdoor, or combined air or air pressure ventilation or filtration system;

''(III) a physical barrier such as a sneeze guard;

''(IV) an indoor, outdoor, or combined commercial real property;

''(V) an onsite or offsite health screening capability; or

''(VI) other assets relating to the compliance with the requirements or guidance described in subparagraph (A), as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

''(ii) the purchase of—

''(I) covered materials described in section 328.103(a) of title 44, Code of Federal Regulations, or any successor regulation;

''(II) particulate filtering facepiece respirators approved by the National Institute for Occupational Safety and Health, including those approved only for emergency use authorization; or

''(III) other kinds of personal protective equipment, as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

''(C) does not include residential real property or intangible property;''; and

(ix) in paragraph (11), as so redesignated—

(I) in subparagraph (C), by striking ''and'' at the end;

(II) in subparagraph (D), by striking ''and'' at the end; and

(III) by adding at the end the following:

''(E) covered operations expenditures;

''(F) covered property damage costs;

''(G) covered supplier costs; and

''(H) covered worker protection expenditures; and'';

(B) in subsection (b), by adding at the end the following:

''(5) Any covered operations expenditure.

''(6) Any covered property damage cost.

''(7) Any covered supplier cost.

''(8) Any covered worker protection expenditure.'';

(C) in subsection (d)(8), by inserting ''any payment on any covered operations expenditure, any payment on any covered property damage cost, any payment on any covered supplier cost, any payment on any covered worker protection expenditure,'' after ''rent obligation,''; and

(D) in subsection (e)—

(i) in paragraph (2), by inserting ''payments on covered operations expenditures, payments on covered property damage costs, payments on covered supplier costs, payments on covered worker protection expenditures,'' after ''lease obligations,''; and

(ii) in paragraph (3)(B), by inserting ''make payments on covered operations expenditures, make payments on covered property damage costs, make payments on covered supplier costs, make payments on covered worker protection expenditures,'' after ''rent obligation,''.

(e) LENDER SAFE HARBOR.—Subsection (h) of section 1106 of the CARES Act (15 U.S.C. 9005) is amended to read as follows:

''(h) HOLD HARMLESS.—

''(1) IN GENERAL.—A lender may rely on any certification or documentation submitted by an applicant for a covered loan or an eligible recipient of a covered loan that—

''(A) is submitted pursuant to any statutory requirement relating to covered loans or any rule or guidance issued to carry out any action relating to covered loans; and

''(B) attests that the applicant or eligible recipient, as applicable, has accurately verified any certification or documentation provided to the lender.

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

''(A) an enforcement action may not be taken against the lender acting in good faith relating to origination or forgiveness of a covered loan based on such reliance; and

''(B) the lender acting in good faith shall not be subject to any penalties relating to origination or forgiveness of a covered loan based on such reliance.''.

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

(1) by amending paragraph (4) of subsection (a), as so redesignated by subsection (d) of this section, to read as follows:

''(4) the term 'covered period' means the period—

''(A) beginning on the date of the origination of a covered loan; and

''(B) ending on a date selected by the eligible recipient of the covered loan that occurs during the period—

''(i) beginning on the date that is 8 weeks after such date of origination; and

''(ii) ending on December 31, 2020;''; and

(2) by striking subsection (l).

(g) SIMPLIFIED APPLICATION.—Section 1106 of the CARES Act (15 U.S.C. 9005), as amended by subsection (f) of this section, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking ''An eligible'' and inserting ''Except as provided in subsection (l), an eligible'';

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

(3) by adding at the end the following:

''(l) SIMPLIFIED APPLICATION.—

''(1) COVERED LOANS UNDER $150,000.—

''(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is not more than $150,000, the covered loan amount shall be forgiven under this section if the eligible recipient—

''(i) signs and submits to the lender an attestation that the eligible recipient made a good faith effort to comply with the requirements under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)); and

''(ii) for the 1-year period following submission of the attestation under clause (i), retains records relevant to the attestation that prove compliance with those requirements.

''(B) DEMOGRAPHIC INFORMATION.—An eligible recipient of a covered loan described in subparagraph (A) may complete and submit any form related to borrower demographic information.

''(C) AUDIT.—The Administrator may—

''(i) review and audit covered loans described in subparagraph (A); and

''(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

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

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

''(2) COVERED LOANS BETWEEN $150,000 AND $2,000,000.—

''(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is more than $150,000 and not more than $2,000,000—

''(i) the eligible recipient seeking loan forgiveness under this section—

''(I) is not required to submit the supporting documentation described in paragraph (1) or (2) of subsection (e) or the certification described in subsection (e)(3)(A);

''(II) shall retain all relevant schedules, worksheets, and supporting documentation for the 3-year period following submission of the application for loan forgiveness; and

''(III) may complete and submit any form related to borrower demographic information;

''(ii) review by the lender of an application submitted by the eligible recipient for loan forgiveness under this section shall be limited to whether the lender received a complete application, with all fields completed, initialed, or signed, as applicable; and

''(iii) the lender shall—

''(I) accept the application submitted by the eligible recipient for loan forgiveness under this section; and

''(II) submit the application to the Administrator.

''(B) AUDIT.—The Administrator may—

''(i) review and audit covered loans described in subparagraph (A); and

''(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

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

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

''(3) AUDIT PLAN.—

''(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Continuing Small Business Recovery and Paycheck Protection Program Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details—

''(i) the policies and procedures of the Administrator for conducting reviews and audits of covered loans; and

''(ii) the metrics that the Administrator shall use to determine which covered loans will be audited for each category of covered loans described in paragraphs (1) and (2).

''(B) REPORTS.—Not later than 30 days after the date on which the Administrator submits the audit plan required under subparagraph (A), and each month thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the review and audit activities of the Administrator under this subsection, which shall include—

''(i) the number of active reviews and audits;

''(ii) the number of reviews and audits that have been ongoing for more than 60 days; and

''(iii) any substantial changes made to the audit plan submitted under subparagraph (A).''.

(h) GROUP INSURANCE PAYMENTS AS PAYROLL COSTS.—Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by inserting ''and other group insurance'' before ''benefits''.

(i) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(37) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the terms 'community financial institutions', 'credit union', 'eligible self-employed individual', 'insured depository institution', 'nonprofit organization', 'payroll costs', 'seasonal employer', and 'veterans organization' have the meanings given those terms in paragraph (36), except that 'eligible entity' shall be substituted for 'eligible recipient' each place it appears in the definitions of those terms;

''(ii) the term 'covered loan' means a loan made under this paragraph;

''(iii) the terms 'covered mortgage obligation', 'covered operating expenditure', 'covered property damage cost', 'covered rent obligation', 'covered supplier cost', 'covered utility payment', and 'covered worker protection expenditure' have the meanings given those terms in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

''(iv) the term 'covered period' means the period beginning on the date of the origination of a covered loan and ending on December 31, 2020;

''(v) the term 'eligible entity'—

''(I) means any business concern, nonprofit organization, veterans organization, Tribal business concern, eligible self-employed individual, sole proprietor, independent contractor, or small agricultural cooperative that—

''(aa)(AA) with respect to a business concern, would qualify as a small business concern by the annual receipts size standard (if applicable) established by section 121.201 of title 13, Code of Federal Regulations, or any successor regulation; or

''(BB) if the entity does not qualify as a small business concern, meets the alternative size standard established under section 3(a)(5);

''(bb) employs not more than 300 employees; and

''(cc)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are not less than 35 percent less than the gross receipts of the entity during the same quarter in 2019;

''(BB) if the entity was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the third or fourth quarter of 2019;

''(CC) if the entity was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the fourth quarter of 2019; or

''(DD) if the entity was not in business during 2019, but was in operation on February 15, 2020, had gross receipts during the second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the first quarter of 2020;

''(II) includes an organization described in subparagraph (D)(vii) of paragraph (36) that is eligible to receive a loan under that paragraph and that meets the requirements described in items (aa) and (cc) of subclause (I); and

''(III) does not include—

''(aa) an issuer, the securities of which are listed on an exchange registered a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);

''(bb) any entity that—

''(AA) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (l) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation;

''(BB) is a type of business concern described in section 120.110(g) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Criteria and Requirements for Certain Pledges of Loans' (85 Fed. Reg. 21747 (April 20, 2020));

''(CC) is a type of business concern described in section 120.110(i) of title 13, Code of Federal Regulations, or any successor regulation, except if the business concern is an organization described in paragraph (36)(D)(vii);

''(DD) is a type of business concern described in section 120.110(j) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rules of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Electric Cooperatives' (85 Fed. Reg. 29847 (May 19, 2020)) and 'Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Telephone Cooperatives' (85 Fed. Reg. 35550 (June 11, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

''(EE) is a type of business concern described in section 120.110(n) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Revisions to First Interim Final Rule' (85 Fed. Reg. 38301 (June 26, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

''(FF) is a type of business concern described in section 120.110(o) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in any guidance or rule issued or that may be issued by the Administrator; or

''(GG) is an entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents;

''(HH) is an entity that would be described in the subsections listed in subitems (AA) through (GG) if the entity were a business concern; or

''(II) is assigned, or was approved for a loan under paragraph (36) with, a North American Industry Classification System code beginning with 52;

''(cc) any business concern or entity primarily engaged in political or lobbying activities, which shall include any entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents; or

''(dd) any business concern or entity—

''(AA) for which an entity created in or organized under the laws of the People's Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People's Republic of China or the Special Administrative Region of Hong Kong, owns or holds, directly or indirectly, not less than 20 percent of the economic interest of the business concern or entity, including as equity shares or a capital or profit interest in a limited liability company or partnership; or

''(BB) that retains, as a member of the board of directors of the business concern, a person who is a resident of the People's Republic of China;

''(vi) the terms 'exchange', 'issuer', and 'security' have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); and

''(vii) the term 'Tribal business concern' means a Tribal business concern described in section 31(b)(2)(C).

''(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans to eligible entities under the same terms, conditions, and processes as a loan made under paragraph (36).

''(C) MAXIMUM LOAN AMOUNT.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the maximum amount of a covered loan made to an eligible entity is the lesser of—

''(I) the product obtained by multiplying—

''(aa) at the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity during—

''(AA) the 1-year period before the date on which the loan is made; or

''(BB) calendar year 2019; by

''(bb) 2.5; or

''(II) $2,000,000.

''(ii) SEASONAL EMPLOYERS.—The maximum amount of a covered loan made to an eligible entity that is a seasonal employer is the lesser of—

''(I) the product obtained by multiplying—

''(aa) at the election of the eligible entity, the average total monthly payments for payroll costs incurred or paid by the eligible entity—

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

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

''(bb) 2.5; or

''(II) $2,000,000.

''(iii) NEW ENTITIES.—The maximum amount of a covered loan made to an eligible entity that did not exist during the 1-year period preceding February 15, 2020 is the lesser of—

''(I) the product obtained by multiplying—

''(aa) the quotient obtained by dividing—

''(AA) the sum of the total monthly payments by the eligible entity for payroll costs paid or incurred by the eligible entity as of the date on which the eligible entity applies for the covered loan; by

''(BB) the number of months in which those payroll costs were paid or incurred; by

''(bb) 2.5; or

''(II) $2,000,000.

''(iv) LIMIT FOR MULTIPLE LOCATIONS.—With respect to an eligible entity with more than 1 physical location, the total amount of all covered loans shall be not more than $2,000,000.

''(v) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

''(vi) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed $10,000,000.

''(D) EXCEPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—An eligible entity applying for a covered loan shall not be required to make the certification described in subclause (III) or (IV) of paragraph (36)(G)(i).

''(E) FEE WAIVER.—With respect to a covered loan—

''(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

''(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

''(F) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZATIONS.—

''(i) SENSE OF CONGRESS.—It is the sense of Congress that the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program' (85 Fed. Reg. 20817 (April 15, 2020)) properly clarified the eligibility of churches and religious organizations for loans made under paragraph (36).

''(ii) APPLICABILITY OF PROHIBITION.—The prohibition on eligibility established by section 120.110(k) of title 13, Code of Federal Regulations, or any successor regulation, shall not apply to a covered loan.

''(G) GROSS RECEIPTS FOR NONPROFIT AND VETERANS ORGANIZATIONS.—For purposes of calculating gross receipts under subparagraph (A)(v)(I)(cc) for an eligible entity that is a nonprofit organization, a veterans organization, or an organization described in subparagraph (A)(v)(II), gross receipts—

''(i) shall include proceeds from fundraising events, federated campaigns, gifts, donor-advised funds, and funds from similar sources; and

''(ii) shall not include—

''(I) Federal grants (excluding any loan forgiveness on loans received under paragraph (36) or this paragraph);

''(II) revenues from a supporting organization;

''(III) grants from private foundations that are disbursed over the course of more than 1 calendar year; or

''(IV) any contribution of property other than money, stocks, bonds, and other securities, provided that the non-cash contribution is not sold by the organization in a transaction unrelated to the tax-exempt purpose of the organization.

''(H) LOAN FORGIVENESS.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, an eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in the same manner as an eligible recipient with respect to a loan made under paragraph (36), as described in section 1106 of the CARES Act (15 U.S.C. 9005).

''(ii) FORGIVENESS AMOUNT.—An eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in an amount equal to the sum of the following costs incurred or expenditures made during the covered period:

''(I) Payroll costs.

''(II) Any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation).

''(III) Any covered operations expenditure.

''(IV) Any covered property damage cost.

''(V) Any payment on any covered rent obligation.

''(VI) Any covered utility payment.

''(VII) Any covered supplier cost.

''(VIII) Any covered worker protection expenditure.

''(iii) LIMITATION ON FORGIVENESS FOR ALL ELIGIBLE ENTITIES.—The forgiveness amount under this subparagraph shall be equal to the lesser of—

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

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

''(aa) the amount of the covered loan used for payroll costs during the covered period; and

''(bb) 0.60.

''(I) LENDER ELIGIBILITY.—Except as otherwise provided in this paragraph, a lender approved to make loans under paragraph (36) may make covered loans under the same terms and conditions as in paragraph (36).

''(J) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

''(i) 3 percent of the principal amount of the financing of the covered loan up to $350,000; and

''(ii) 1 percent of the principal amount of the financing of the covered loan above $350,000, if applicable.

''(K) SET ASIDE FOR SMALL ENTITIES.—Not less than $25,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made to eligible entities with not more than 10 employees as of February 15, 2020.

''(L) SET ASIDE FOR COMMUNITY FINANCIAL INSTITUTIONS, SMALL INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND FARM CREDIT SYSTEM INSTITUTIONS.—Not less than $10,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made by—

''(i) community financial institutions;

''(ii) insured depository institutions with consolidated assets of less than $10,000,000,000;

''(iii) credit unions with consolidated assets of less than $10,000,000,000; and

''(iv) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than $10,000,000,000 (not including the Federal Agricultural Mortgage Corporation).

''(M) PUBLICATION OF GUIDANCE.—Not later than 10 days after the date of enactment of this paragraph, the Administrator shall issue guidance addressing barriers to accessing capital for minority, underserved, veteran, and women-owned business concerns for the purpose of ensuring equitable access to covered loans.

''(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.

''(O) PROHIBITION ON USE OF PROCEEDS FOR LOBBYING ACTIVITIES.—None of the proceeds of a covered loan may be used for—

''(i) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

''(ii) lobbying expenditures related to a State or local election; or

''(iii) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.''.

(j) CONTINUED ACCESS TO THE PAYCHECK PROTECTION PROGRAM.—

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

(2) APPLICABILITY OF MAXIMUM LOAN AMOUNT CALCULATION.—

(A) DEFINITIONS.—In this paragraph, the terms ''covered loan'' and ''eligible recipient'' have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(B) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan applied for by an eligible recipient on or after the date of enactment of this Act.

(k) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN LOAN AMOUNT DUE TO UPDATED REGULATIONS.—

(1) DEFINITIONS.—In this subsection, the terms ''covered loan'' and ''eligible recipient'' have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(2) INCREASED AMOUNT.—Notwithstanding the interim final rule issued by the Administration entitled ''Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Increases'' (85 Fed. Reg. 29842 (May 19, 2020)), an eligible recipient of a covered loan that is eligible for an increased covered loan amount as a result of any interim final rule that allows for covered loan increases may submit a request for an increase in the covered loan amount even if—

(A) the initial covered loan amount has been fully disbursed; or

(B) the lender of the initial covered loan has submitted to the Administration a Form 1502 report related to the covered loan.

(l) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS UNDER THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (j) of this section, is amended—

(A) in subparagraph (E), in the matter preceding clause (i), by striking ''During'' and inserting ''Except as provided in subparagraph (T), during''; and

(B) by adding at the end the following:

''(T) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS.—

''(i) DEFINITION.—In this subparagraph, the term 'covered recipient' means an eligible recipient that—

''(I) operates as a sole proprietorship or as an independent contractor, or is an eligible self-employed individual;

''(II) reports farm income or expenses on a Schedule F (or any equivalent successor schedule); and

''(III) was in business during the period beginning on February 15, 2019 and ending on June 30, 2019.

''(ii) NO EMPLOYEES.—With respect to covered recipient without employees, the maximum covered loan amount shall be the lesser of—

''(I) the sum of—

''(aa) the product obtained by multiplying—

''(AA) the gross income of the covered recipient in 2019, as reported on a Schedule F (or any equivalent successor schedule), that is not more than $100,000, divided by 12; and

''(BB) 2.5; and

''(bb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on April 3, 2020 that the borrower intends to refinance under the covered loan, not including any amount of any advance under the loan that is not required to be repaid; or

''(II) $2,000,000.

''(iii) WITH EMPLOYEES.—With respect to a covered recipient with employees, the maximum covered loan amount shall be calculated using the formula described in subparagraph (E), except that the gross income of the covered recipient described in clause (ii)(I)(aa)(AA) of this subparagraph, as divided by 12, shall be added to the sum calculated under subparagraph (E)(i)(I).

''(iv) RECALCULATION.—A lender that made a covered loan to a covered recipient before the date of enactment of this subparagraph may, at the request of the covered recipient—

''(I) recalculate the maximum loan amount applicable to that covered loan based on the formula described in clause (ii) or (iii), as applicable, if doing so would result in a larger covered loan amount; and

''(II) provide the covered recipient with additional covered loan amounts based on that recalculation.''.

(m) FARM CREDIT SYSTEM INSTITUTIONS.—

(1) DEFINITION OF FARM CREDIT SYSTEM INSTITUTION.—In this subsection, the term ''Farm Credit System institution''—

(A) means an institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); and

(B) does not include the Federal Agricultural Mortgage Corporation.

(2) FACILITATION OF PARTICIPATION IN PPP AND SECOND DRAW LOANS.—

(A) APPLICABLE RULES.—Solely with respect to loans under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), Farm Credit Administration regulations and guidance issued as of July 14, 2020, and compliance with such regulations and guidance, shall be deemed functionally equivalent to requirements referenced in section 3(a)(iii)(II) of the interim final rule of the Administration entitled ''Business Loan Program Temporary Changes; Paycheck Protection Program'' (85 Fed. Reg. 20811 (April 15, 2020)) or any similar requirement referenced in that interim final rule in implementing such paragraph (37).

(B) APPLICABILITY OF CERTAIN LOAN REQUIREMENTS.—For purposes of making loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or

forgiving those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37), sections 4.13, 4.14, and 4.14A of the Farm Credit Act of 1971 (12 U.S.C. 2199, 2202, 2202a) (including regulations issued under those sections) shall not apply.

(C) RISK WEIGHT.—

(i) IN GENERAL.—With respect to the application of Farm Credit Administration capital requirements, a loan described in clause (ii)—

(I) shall receive a risk weight of zero percent; and

(II) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio or calculation.

(ii) LOANS DESCRIBED.—A loan referred to in clause (i) is—

(I) a loan made by a Farm Credit Bank described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) to a Federal Land Bank Association, a Production Credit Association, or an agricultural credit association described in that section to make loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgive those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37); or

(II) a loan made by a Federal Land Bank Association, a Production Credit Association, an agricultural credit association, or the bank for cooperatives described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(D) RESERVATION OF LOAN GUARANTEES.—Section 7(a)(36)(S) of the Small Business Act (15 U.S.C. 636(a)(36)(S)) is amended—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end;

(II) in subclause (II), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(III) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of not less than $10,000,000,000 and less than $50,000,000,000.''; and

(ii) in clause (ii)—

(I) in subclause (II), by striking ''and'' at the end;

(II) in subclause (III), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(IV) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than $10,000,000,000.''.

(n) DEFINITION OF SEASONAL EMPLOYER.—

(1) PPP LOANS.—Section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

(A) in clause (xi), by striking ''and'' at the end;

(B) in clause (xii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(xiii) the term 'seasonal employer' means an eligible recipient that—

''(I) does not operate for more than 7 months in any calendar year; or

''(II) during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year.''.

(2) LOAN FORGIVENESS.—Paragraph (12) of section 1106(a) of the CARES Act (15 U.S.C. 9005(a)), as so redesignated by subsection (d)(2) of this section, is amended to read as follows:

''(12) the terms 'payroll costs' and 'seasonal employer' have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).''.

(o) CHANGES TO THE 7(A) LOAN GUARANTY PROGRAM FOR RECOVERY SECTOR BUSINESS CONCERNS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended by subsection (i) of this section, is amended by adding at the end the following:

''(38) RECOVERY SECTOR LOANS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the term 'covered loan' means a loan made under this paragraph;

''(ii) the term 'covered population census tract' means a population census tract for which—

''(I) in the case of a tract that is not located within a metropolitan area, the median income does not exceed 80 percent of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median family income; or

''(II) in the case of a tract that is located within a metropolitan area, the median family income does not exceed 80 percent of the greater of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median family income and the metropolitan area median family income;

''(iii) the term 'covered seasonal employer' means a small business concern that—

''(I) is a seasonal employer, as defined in paragraph (36); and

''(II) during the preceding calendar year—

''(aa) had gross receipts as described in paragraph (36)(A)(xiii)(II); and

''(bb) employed not more than 250 employees during not fewer than 5 months out of that year;

''(iv) the term 'eligible entity'—

''(I) means any small business concern that—

''(aa) except with respect to a covered seasonal employer, employs not more than 500 employees;

''(bb)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are less than 50 percent of the gross receipts of the business concern during the same quarter in 2019;

''(BB) if the small business concern was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during the third or fourth quarter of 2019;

''(CC) if the small business concern was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during the fourth quarter of 2019; or

''(DD) if the small business concern was not in business during the first or second quarter of 2020, had gross receipts during any 2-month period during 2020 that are less than 50 percent of the amount of the gross receipts of the small business concern during any other 2-month period during 2020; and

''(cc)(AA) is a covered seasonal employer seeking a covered loan of not more than $2,000,000; or

''(BB) is a small business concern the principal place of business of which is in, and not less than 50 percent of the total gross income of which is derived from the active conduct of the business concern within, a small business low-income census tract; and

''(II) does not include—

''(aa) an entity described in paragraph (37)(A)(v)(II);

''(bb) any entity that received a loan under paragraph (37); or

''(cc) any entity that received a loan under paragraph (36) after the date of enactment of this paragraph; and

''(v) the term 'small business low-income census tract'—

''(I) means—

''(aa) a covered population census tract for which the poverty rate is not less than 20 percent; or

''(bb) an area—

''(AA) that is not tracted as a population census tract;

''(BB) for which the poverty rate in the equivalent county division (as defined by the Bureau of the Census) is not less than 20 percent; and

''(CC) for which the median income in the equivalent county division (as defined by the Bureau of the Census) does not exceed 80 percent of the statewide (or, with respect to a possession or territory of the United States, the possession- or territory-wide) median income; and

''(II) does not include any area or population census tract with a median family income that is not less than 120 percent of the median family income in the United States, according to the most recent American Communities Survey data from the Bureau of the Census.

''(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans made to eligible entities—

''(i) under the same terms, conditions, and processes as a loan made under this subsection; and

''(ii) to meet working capital needs, acquire fixed assets, or refinance existing indebtedness while recovering from the COVID–19 pandemic.

''(C) MAXIMUM LOAN AMOUNT.—The maximum amount of a covered loan made to an eligible entity shall be the lesser of—

''(i) $10,000,000; or

''(ii) the amount equal to 200 percent of the average annual receipts of the eligible entity.

''(D) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

''(E) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed $10,000,000.

''(F) APPLICATION DEADLINE.—An eligible entity desiring a covered loan shall submit an application not later than December 31, 2020.

''(G) FEE WAIVER.—With respect to a covered loan—

''(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

''(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

''(H) LOAN TERMS.—

''(i) IN GENERAL.—In order to receive a covered loan, an eligible entity shall not be required to show that the eligible entity is unable to obtain credit elsewhere.

''(ii) MATURITY AND INTEREST RATE.—A covered loan shall—

''(I) have a maturity of 20 years; and

''(II) bear an interest rate of equal to the sum of—

''(aa) the Secured Overnight Financing Rate in effect for each of the days in the relevant quarter that interest is charged, as compiled and released by the Federal Reserve Bank of New York; and

''(bb) 300 basis points.

''(iii) GUARANTEE.—In an agreement to participate in a covered loan on a deferred basis, the participation by the Administration shall be 100 percent of the covered loan.

''(iv) SUBSIDY FOR INTEREST PAYMENTS.—

''(I) IN GENERAL.—The Administrator shall pay the amount of interest that is owed on a covered loan in regular servicing status for the maturity of the loan such that the interest rate paid by the eligible entity is, at all times, equal to a rate of 1 percent.

''(II) TIMING OF PAYMENT.—The Administrator shall—

''(aa) begin making payments under subclause (I) not later than 30 days after the date on which the first such payment is due; and

''(bb) make payments without regard to the payment deferral described in clause (iv).

''(III) APPLICATION OF PAYMENT.—Any payment made by the Administrator under subclause (I) shall be applied to the covered loan such that the eligible entity is relieved of the obligation to pay that amount.

''(v) PAYMENT DEFERRAL.—

''(I) IN GENERAL.—No payment of principal or interest shall be due on a covered loan for the first 2 years of the covered loan.

''(II) ADDITIONAL DEFERRAL.—After the 2-year deferral period under subclause (I), the Administrator may grant not more than an additional 2 years of principal deferral to the eligible entity if the eligible entity is certified by the Administrator and the Secretary as economically distressed based on publicly available criteria established by the Administrator.

''(vi) LIMITATION ON CHANGES IN TERMS.—Notwithstanding any other provision of this subsection, for a covered loan, the Administrator shall not approve any increase in loan amount or change in guaranty percentage, interest rate, interest accrual method, or maturity, except for such changes as may be necessary for prepayment and the deferment of payment under clause (v).

''(I) PROHIBITION ON USE OF PROCEEDS FOR DISASTER LOANS.—An eligible entity shall not use the proceeds of a covered loan to refinance any loan made under subsection (b).

''(J) SECONDARY MARKET.—In order to increase the liquidity of the secondary market for covered loans, the Administrator shall, not later than 60 days after the date of enactment of this paragraph, substantially reduce barriers to the sale of covered loans on the secondary market.

''(K) LENDER ELIGIBILITY.—In order to increase access to and the equitable distribution of covered loans, the Administrator shall establish a process by which a lender approved to make loans under paragraph (36) may make covered loans.

''(L) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

''(i) 3 percent of the principal amount of the financing of the covered loan up to $350,000; and

''(ii) 1 percent of the principal amount of the financing of the covered loan above $350,000, if applicable.

''(M) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.''.

(p) ELIGIBILITY OF 501(C)(6) ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended—

(1) in clause (v), by inserting ''or whether an organization described in clause (vii) employs not more than 150 employees,'' after ''clause (i)(I),'';

(2) in clause (vi), by inserting '', an organization described in clause (vii),'' after ''nonprofit organization''; and

(3) by adding at the end the following:

''(vii) ELIGIBILITY FOR CERTAIN 501(C)(6) ORGANIZATIONS.—

''(I) IN GENERAL.—Except as provided in subclause (II), any organization that is described in section 501(c)(6) of the Internal Revenue Code and that is exempt from taxation under section 501(a) of such Code (excluding professional sports leagues and organizations with the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if—

''(aa) the organization does not receive more than 10 percent of its receipts from lobbying activities;

''(bb) the lobbying activities of the organization do not comprise more than 10 percent of the total activities of the organization; and

''(cc) the organization employs not more than 150 employees.

''(II) DESTINATION MARKETING ORGANIZATIONS.—Notwithstanding subclause (I), during the covered period, any destination marketing organization shall be eligible to receive a covered loan if—

''(aa) the destination marketing organization does not receive more than 10 percent of its receipts from lobbying activities;

''(bb) the lobbying activities of the destination marketing organization do not comprise more than 10 percent of the total activities of the organization;

''(cc) the destination marketing organization employs not more than 150 employees; and

''(dd) the destination marketing organization—

''(AA) is described in section 501(c) of the Internal Revenue Code and is exempt from taxation under section 501(a) of such Code; or

''(BB) is a quasi-governmental entity or is a political subdivision of a State or local government, including any instrumentality of those entities.''.

(q) PROHIBITION ON USE OF LOAN PROCEEDS FOR LOBBYING ACTIVITIES.—Section 7(a)(36)(F) of the Small Business Act (15 U.S.C. 636(a)(36)(F)) is amended by adding at the end the following:

''(vi) PROHIBITION.—None of the proceeds of a covered loan may be used for—

''(I) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

''(II) lobbying expenditures related to a State or local election; or

''(III) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.''.

(r) EFFECTIVE DATE; APPLICABILITY.—The amendments made to paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title I of the CARES Act (Public Law 116–136) under this section shall be effective as if included in the CARES Act and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(s) BANKRUPTCY PROVISIONS.—

(1) IN GENERAL.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

''(g)(1) The court, after notice and a hearing, may authorize a debtor in possession or a trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of this title to obtain a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), and such loan shall be treated as a debt to the extent the loan is not forgiven in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) or subparagraph (H) of such paragraph (37), as applicable, with priority equal to a claim of the kind specified in subsection (c)(1) of this section.

''(2) The trustee may incur debt described in paragraph (1) notwithstanding any provision in a contract, prior order authorizing the trustee to incur debt under this section, prior order authorizing the trustee to use cash collateral under section 363, or applicable law that prohibits the debtor from incurring additional debt.

''(3) The court shall hold a hearing within 7 days after the filing and service of the motion to obtain a loan described in paragraph (1).''.

(2) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(A) in paragraph (8)(B), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) any debt incurred under section 364(g)(1) of this title.''.

(3) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1191 of title 11, United States Code, is amended by adding at the end the following:

''(f) SPECIAL PROVISION RELATED TO COVID–19 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of this title and subsection (e) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed under subsection (b) of this section if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(4) CONFIRMATION OF PLAN FOR FAMILY FARMERS AND FISHERMEN.—Section 1225 of title 11, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding section 1222(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(5) CONFIRMATION OF PLAN FOR INDIVIDUALS.—Section 1325 of title 11, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding section 1322(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(6) EFFECTIVE DATE; SUNSET.—

(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (5) shall—

(i) take effect on the date on which the Administrator submits to the Director of the Executive Office for United States Trustees a written determination that, subject to satisfying any other eligibility requirements, any debtor in possession or trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of title 11, United States Code, would be eligible for a loan under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

(ii) apply to any case pending on or commenced on or after the date described in clause (i).

(B) SUNSET.—

(i) IN GENERAL.—If the amendments made by this subsection take effect under subparagraph (A), effective on the date that is 2

years after the date of enactment of this Act—

(I) section 364 of title 11, United States Code, is amended by striking subsection (g);

(II) section 503(b) of title 11, United States Code, is amended—

(aa) in paragraph (8)(B), by adding ''and'' at the end;

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

(cc) by striking paragraph (10);

(III) section 1191 of title 11, United States Code, is amended by striking subsection (f);

(IV) section 1225 of title 11, United States Code, is amended by striking subsection (d); and

(V) section 1325 of title 11, United States Code, is amended by striking subsection (d).

(ii) APPLICABILITY.—Notwithstanding the amendments made by clause (i) of this subparagraph, if the amendments made by paragraphs (1), (2), (3), (4), and (5) take effect under subparagraph (A) of this paragraph, such amendments shall apply to any case under title 11, United States Code, commenced before the date that is 2 years after the date of enactment of this Act.

(t) OVERSIGHT.—

(1) COMPLIANCE WITH OVERSIGHT REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on and after the date of enactment of this Act, the Administrator shall comply with any data or information requests or inquiries made by the Comptroller General of the United States not later than 30 days (or such later date as the Comptroller General may specify) after receiving the request or inquiry.

(B) EXCEPTION.—If the Administrator is unable to comply with a request or inquiry described in subparagraph (A) within the 30-day period or, if applicable, later period described in that clause, the Administrator shall, during that 30-day (or later) period, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a notification that includes a detailed justification for the inability of the Administrator to comply with the request or inquiry.

(2) TESTIMONY.—Not later than the date that is 30 days after the date of enactment of this Act, and every quarter thereafter until the date that is 2 years after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding implementation of this section and the amendments made by this section.

(u) CONFLICTS OF INTEREST.—

(1) DEFINITIONS.—In this subsection:

(A) CONTROLLING INTEREST.—The term ''controlling interest'' means owning, controlling, or holding not less than 20 percent, by vote or value, of the outstanding amount of any class of equity interest in an entity.

(B) COVERED ENTITY.—

(i) DEFINITION.—The term ''covered entity'' means an entity in which a covered individual directly or indirectly holds a controlling interest.

(ii) TREATMENT OF SECURITIES.—For the purpose of determining whether an entity is a covered entity, the securities owned, controlled, or held by 2 or more individuals who are related as described in subparagraph (C)(ii) shall be aggregated.

(C) COVERED INDIVIDUAL.—The term ''covered individual'' means—

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

(ii) the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of an individual described in clause (i).

(D) EXECUTIVE DEPARTMENT.—The term ''Executive department'' has the meaning given the term in section 101 of title 5, United States Code.

(E) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a Member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(F) EQUITY INTEREST.—The term ''equity interest'' means—

(i) a share in an entity, without regard to whether the share is—

(I) transferable; or

(II) classified as stock or anything similar;

(ii) a capital or profit interest in a limited liability company or partnership; or

(iii) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in clause (i) or (ii), respectively.

(2) REQUIREMENT.—The principal executive officer and the principal financial officer, or individuals performing similar functions, of an entity seeking to enter a transaction made under paragraph (36), (37), or (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, shall, before that transaction is approved, disclose to the Administrator whether the entity is a covered entity.

(3) APPLICABILITY.—The requirement under paragraph (2)—

(A) shall apply with respect to any transaction made under paragraph (36), (37), or (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, on or after the date of enactment of this Act; and

(B) shall not apply with respect to—

(i) any transaction described in subparagraph (A) that was made before the date of enactment of this Act; or

(ii) forgiveness under section 1106 of the CARES Act (15 U.S.C. 9005) or any other provision of law of any loan associated with any transaction described in subparagraph (A) that was made before the date of enactment of this Act.

(v) SMALL BUSINESS INVESTMENT COMPANY PROGRAM.—

(1) IN GENERAL.—Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.) is amended—

(A) in section 302(a) (15 U.S.C. 682(a))—

(i) in paragraph (1)—

(I) in subparagraph (A), by striking ''or'' at the end;

(II) in subparagraph (B), by striking the period at the end and inserting ''; or''; and

(III) by adding at the end the following:

''(C) $20,000,000, adjusted every 5 years for inflation, with respect to each licensee authorized or seeking authority to sell bonds to Administration as a participating investment company under section 321.''; and

(B) by adding at the end the following:

''SEC. 321. SMALL BUSINESS AND DOMESTIC PRODUCTION RECOVERY INVESTMENT FACILITY.

''(a) DEFINITIONS.—In this section:

''(1) ELIGIBLE SMALL BUSINESS CONCERN.—The term 'eligible small business concern'—

''(A) means a small business concern that—

''(i) meets the revenue reduction requirements established by paragraph (37)(A)(v)(I)(cc) of section 7(a) of the Small Business Act (15 U.S.C. 636(a));

''(ii) is a manufacturing business that is assigned a North American Industry Classification System code beginning with 31, 32, or 33 at the time at which the small business concern receives an investment from a participating investment company under the facility; or

''(iii) is located in a small business low-income census tract; and

''(B) does not include an entity described in paragraph (37)(A)(v)(II) of such section 7(a).

''(2) FACILITY.—The term 'facility' means the facility established under subsection (b).

''(3) FUND.—The term 'Fund' means the fund established under subsection (h).

''(4) PARTICIPATING INVESTMENT COMPANY.—The term 'participating investment company' means a small business investment company approved under subsection (d) to participate in the facility

''(5) PROTÉGÉ INVESTMENT COMPANY.—The term 'protégé investment company' means a small business investment company that—

''(A) is majority managed by new, inexperienced, or otherwise underrepresented fund managers; and

''(B) elects and is selected by the Administration to participate in the pathway-protégé program under subsection (g).

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

''(7) SMALL BUSINESS LOW-INCOME CENSUS TRACT.—The term 'small business low-income census tract' has the meaning given the term in section 7(a)(38)(A) of the Small Business Act.

''(b) ESTABLISHMENT.—

''(1) FACILITY.—The Administrator shall establish and carry out a facility to improve the recovery of eligible small business concerns from the COVID–19 pandemic, increase resiliency in the manufacturing supply chain of eligible small business concerns, and increase the economic development of small business low-income census tracts by providing financial assistance to participating investment companies that facilitate equity financings to eligible small business concerns in accordance with this section.

''(2) ADMINISTRATION OF FACILITY.—The facility shall be administered by the Administrator acting through the Associate Administrator described in section 201.

''(c) APPLICATIONS.—

''(1) IN GENERAL.—Any small business investment company may submit to the Administrator an application to participate in the facility.

''(2) REQUIREMENTS FOR APPLICATION.—An application to participate in the facility shall include the following:

''(A) A business plan describing how the applicant intends to make successful equity investments in eligible small business concerns.

''(B) Information regarding the relevant investment qualifications and backgrounds of the individuals responsible for the management of the applicant.

''(C) A description of the extent to which the applicant meets the selection criteria under subsection (d)(2).

''(3) EXCEPTIONS TO APPLICATION FOR NEW LICENSEES.—Not later than 90 days after the date of enactment of this section, the Administrator shall reduce requirements for applicants applying to operate as a participating investment company under this section in order to encourage the participation of new small business investment companies in the facility under this section, which may include the requirements established under part 107 of title 13, Code of Federal Regulations, or any successor regulation, relating to—

''(A) the approval of initial management expenses;

''(B) the management ownership diversity requirement;

''(C) the disclosure of general compensatory practices and fee structures; or

''(D) any other requirement that the Administrator determines to be an obstacle to achieving the purposes described in this paragraph.

''(d) SELECTION OF PARTICIPATING INVESTMENT COMPANIES.—

''(1) DETERMINATION.—

''(A) IN GENERAL.—Except as provided in paragraph (3), not later than 60 days after the date on which the Administrator receives an application under subsection (c), the Administrator shall—

''(i) make a final determination to approve or disapprove such applicant to participate in the facility; and

''(ii) transmit the determination to the applicant in writing.

''(B) COMMITMENT AMOUNT.—Except as provided in paragraph (3), at the time of approval of an applicant, the Administrator shall make a determination of the amount of the commitment that may be awarded to the applicant under this section.

''(2) SELECTION CRITERIA.—In making a determination under paragraph (1), the Administrator shall consider—

''(A) the probability that the investment strategy of the applicant will successfully repay any financial assistance provided by the Administration, including the probability of a return significantly in excess thereof;

''(B) the probability that the investments made by the applicant will—

''(i) provide capital to eligible small business concerns; or

''(ii) create or preserve jobs in the United States;

''(C) the probability that the applicant will meet the objectives in the business plan of the applicant, including the financial goals, and, if applicable, the pathway-protégé program in accordance with subsection (g); and

''(D) the probability that the applicant will assist eligible small business concerns in achieving profitability.

''(3) APPROVAL OF PARTICIPATING INVESTMENT COMPANIES.—

''(A) PROVISIONAL APPROVAL.—

''(i) IN GENERAL.—Notwithstanding paragraph (1), with respect to an application submitted by an applicant to operate as a participating investment company under this section, the Administrator may provide provisional approval for the applicant in lieu of a final determination of approval and determination of the amount of the commitment under that paragraph.

''(ii) PURPOSE.—The purpose of a provisional approval under clause (i) is to—

''(I) encourage applications from investment companies with an investment mandate from the committed private market capital of the investment company that does not conform to the requirements described in this section at the time of application;

''(II) allow the applicant to more effectively raise capital commitments in the private markets by referencing the intent of the Administrator to award the applicant a commitment; and

''(III) allow the applicant to more precisely request the desired amount of commitment pending the securing of capital from private market investors.

''(iii) LIMIT ON PERIOD OF THE TIME.—The period between a provisional approval under clause (i) and the final determination of approval under paragraph (1) shall not exceed 12 months.

''(e) COMMITMENTS AND SBIC BONDS.—

''(1) IN GENERAL.—The Administrator may, out of amounts available in the Fund, purchase or commit to purchase from a participating investment company 1 or more accruing bonds that include equity features as described in this subsection.

''(2) BOND TERMS.—A bond purchased by the Administrator from a participating investment company under this subsection shall have the following terms and conditions:

''(A) TERM AND INTEREST.—

''(i) IN GENERAL.—The bond shall be issued for a term of not less than 15 years and shall bear interest at a rate determined by the Administrator of not more than 2 percent.

''(ii) ACCRUAL OF INTEREST.—Interest on the bond shall accrue and shall be payable in accordance with subparagraph (D).

''(iii) PREPAYMENT.—The bond shall be prepayable without penalty after the end of the 1-year period beginning on the date on which the bond was purchased.

''(B) PROFITS.—

''(i) IN GENERAL.—The Administration shall be entitled to receive a share of the profits net of any profit sharing performance compensation of the participating investment company equal to the quotient obtained by dividing—

''(I) one-third of the commitment that the participating investment company is approved for under subsection (d); by

''(II) the commitment approved under subsection (d) plus the regulatory capital of the participating investment company at the time of approval under that subsection.

''(ii) DETERMINATION OF PERCENTAGE.—The share to which the Administration is entitled under clause (i)—

''(I) shall be determined at the time of approval under subsection (d); and

''(II) without the approval of the Administration, shall not be revised, including to reflect subsequent distributions of profits, returns of capital, or repayments of bonds, or otherwise.

''(C) PROFIT SHARING PERFORMANCE COMPENSATION.—

''(i) RECEIPT BY ADMINISTRATION.—The Administration shall receive a share of profits of not more than 2 percent, which shall be deposited into the Fund and be available to make commitments under this subsection.

''(ii) RECEIPT BY MANAGERS.—The managers of the participating investment company may receive a maximum profit sharing performance compensation of 25 percent minus the share of profits paid to the Administration under clause (i).

''(D) PROHIBITION ON DISTRIBUTIONS.—No distributions on capital, including profit distributions, shall be made by the participating investment company to the investors or managers of the participating investment company until the Administration has received payment of all accrued interest on the bond committed under this section.

''(E) REPAYMENT OF PRINCIPAL.—Except as described in subparagraph (F), repayments of principal of the bond of a participating investment company shall be—

''(i) made at the same time as returns of private capital; and

''(ii) in amounts equal to the pro rata share of the Administration of the total amount being repaid or returned at such time.

''(F) LIQUIDATION OR DEFAULT.—Upon any liquidation event or default, as defined by the Administration, any unpaid principal or accrued interest on the bond shall—

''(i) have a priority over all equity of the participating investment company; and

''(ii) be paid before any return of equity or any other distributions to the investors or managers of the participating investment company.

''(3) AMOUNT OF COMMITMENTS AND PURCHASES.—

''(A) MAXIMUM AMOUNT.—The maximum amount of outstanding bonds and commitments to purchase bonds for any participating investment company under the facility shall be the lesser of—

''(i) twice the amount of the regulatory capital of the participating investment company; or

''(ii) $200,000,000.

''(4) COMMITMENT PROCESS.—Commitments by the Administration to purchase bonds under the facility shall remain available to be sold by a participating investment company until the end of the fourth fiscal year following the year in which the commitment is made, subject to review and approval by the Administration based on regulatory compliance, financial status, change in management, deviation from business plan, and such other limitations as may be determined by the Administration by regulation or otherwise.

''(5) COMMITMENT CONDITIONS.—

''(A) IN GENERAL.—As a condition of receiving a commitment under the facility, not less than 50 percent of amounts invested by the participating investment company shall be invested in eligible small business concerns.

''(B) EXAMINATIONS.—In addition to the matters set forth in section 310(c), the Administration shall examine each participating investment company in such detail so as to determine whether the participating investment company has complied with the requirements under this subsection.

''(f) DISTRIBUTIONS AND FEES.—

''(1) DISTRIBUTION REQUIREMENTS.—

''(A) DISTRIBUTIONS.—As a condition of receiving a commitment under the facility, a participating investment company shall make all distributions to the Administrator in the same form and in a manner as are made to investors, or otherwise at a time and in a manner consistent with regulations or policies of the Administration.

''(B) ALLOCATIONS.—A participating investment company shall make allocations of income, gain, loss, deduction, and credit to the Administrator with respect to any outstanding bonds as if the Administrator were an investor.

''(2) FEES.—The Administrator may not charge fees for participating investment companies other than examination fees that are consistent with the license of the participating investment company.

''(3) BIFURCATION.—Losses on bonds issued by participating investment companies shall not be offset by fees or any other charges on debenture small business investment companies.

''(g) PROTÉGÉ PROGRAM.—The Administrator shall establish a pathway-protégé program in which a protégé investment company may receive technical assistance and program support from a participating investment company on a voluntary basis and without penalty for non-participation.

''(h) LOSS LIMITING FUND.—

''(1) IN GENERAL.—There is established in the Treasury a fund for making commitments and purchasing bonds with equity features under the facility and receiving capital returned by participating investment companies.

''(2) USE OF FUNDS.—Amounts appropriated to the Fund or deposited in the Fund under paragraph (3) shall be available to the Administrator, without further appropriation, for making commitments and purchasing bonds under the facility and expenses and payments, excluding administrative expenses, relating to the operations of the Administrator under the facility.

''(3) DEPOSITING OF AMOUNTS.—

''(A) IN GENERAL.—All amounts received by the Administrator from a participating investment company relating to the facility, including any moneys, property, or assets

derived by the Administrator from operations in connection with the facility, shall be deposited in the Fund.

''(B) PERIOD OF AVAILABILITY.—Amounts deposited under subparagraph (A) shall remain available until expended.

''(i) APPLICATION OF OTHER SECTIONS.—To the extent not inconsistent with requirements under this section, the Administrator may apply sections 309, 311, 312, 313, and 314 to activities under this section and an officer, director, employee, agent, or other participant in a participating investment company shall be subject to the requirements under such sections.

''(j) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated for the first fiscal year beginning after the date of enactment of this part $10,000,000,000 to carry out the facility. Amounts appropriated pursuant to this subsection shall remain available until the end of the second fiscal year beginning after the date of enactment of this section.''.

(2) APPROVAL OF BANK-OWNED, NON-LEVERAGED APPLICANTS.—Section 301(c)(2) of the Small Business Investment Act of 1958 (15 U.S.C. 681(c)(2)) is amended—

(A) in subparagraph (B), in the matter preceding clause (i), by striking ''Within'' and inserting ''Except as provided in subparagraph (C), within''; and

(B) by adding at the end the following:

''(C) EXCEPTION FOR BANK-OWNED, NON-LEVERAGED APPLICANTS.—Notwithstanding subparagraph (B), not later than 45 days after the date on which the Administrator receives a completed application submitted by a bank-owned, non-leveraged applicant in accordance with this subsection and in accordance with such requirements as the Administrator may prescribe by regulation, the Administrator shall—

''(i) review the application in its entirety; and

''(ii)(I) approve the application and issue a license for such operation to the applicant if the requirements of this section are satisfied; or

''(II) disapprove the application and notify the applicant in writing of the disapproval.''.

(3) ELECTRONIC SUBMISSIONS.—Part A of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), as amended by paragraph (1) of this subsection, is amended by adding at the end the following:

''SEC. 322. ELECTRONIC SUBMISSIONS.

''The Administration shall permit any document submitted under this title, or pursuant to a regulation carrying out this title, to be submitted electronically, including by permitting an electronic signature for any signature that is required on such a document.''.

(w) COMMITMENT AUTHORITY AND APPROPRIATIONS.—

(1) COMMITMENT AUTHORITY.—

(A) CARES ACT AMENDMENTS.—Section 1102(b) of the CARES Act (Public Law 116–136) is amended—

(i) in paragraph (1)—

(I) in the paragraph heading, by inserting ''AND SECOND DRAW'' after ''PPP'';

(II) by striking ''August 8, 2020'' and inserting ''December 31, 2020'';

(III) by striking ''paragraph (36)'' and inserting ''paragraphs (36) and (37)''; and

(IV) by striking ''$659,000,000,000'' and inserting ''$748,990,000,000''; and

(ii) by amending paragraph (2) to read as follows:

''(B) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading 'Small Business Administration—Business Loans Program Account' in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116–193) shall apply with respect to any commitments under such section 7(a) other than under paragraphs (36), (37), and (38) of such section 7(a).''.

(B) RECOVERY SECTOR LOANS.—During the period beginning on the date of enactment of this Act and ending on December 31, 2020, the amount authorized for commitments under paragraph (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by this section, shall be $100,000,000,000.

(2) DIRECT APPROPRIATIONS.—

(A) RESCISSION.—With respect to unobligated balances under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' as of the day before the date of enactment of this Act, $100,000,000,000 shall be rescinded and deposited into the general fund of the Treasury.

(B) NEW DIRECT APPROPRIATIONS.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020—

(i) to remain available until September 30, 2021, for additional amounts—

(I) $189,990,000,000 under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' for the cost of guaranteed loans as authorized under paragraph (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this section;

(II) $57,700,000,000 under the heading ''Small Business Administration—Recovery Sector Loans'' for the cost of guaranteed loans as authorized under paragraph (38) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added by this section; and

(III) $10,000,000 under the heading under the heading ''Department of Commerce—Minority Business Development Agency'' for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns; and

(ii) to remain available until September 30, 2023, $10,000,000,000 under the heading ''Small Business Administration—SBIC'' to carry out part D of title III of the Small Business Investment Act of 1958 (15 U.S.C. 681 et seq.), as added by this section.

(C) AVAILABILITY OF AMOUNTS APPROPRIATED FOR THE OFFICE OF INSPECTOR GENERAL.—Section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)) is amended by striking ''September 20, 2024'' and inserting ''expended''.

(x) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided under this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 2507. Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3. SMALL BUSINESS RECOVERY.

(a) SHORT TITLE.—This section may be cited as the ''Continuing the Paycheck Protection Program Act''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATION; ADMINISTRATOR.—The terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively.

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

(c) EMERGENCY RULEMAKING AUTHORITY.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this section and the amendments made by this section without regard to the notice requirements under section 553(b) of title 5, United States Code.

(d) ADDITIONAL ELIGIBLE EXPENSES.—

(1) ALLOWABLE USE OF PPP LOAN.—Section 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(i)) is amended—

(A) in subclause (VI), by striking ''and'' at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(VIII) covered operations expenditures, as defined in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

''(IX) covered property damage costs, as defined in such section 1106(a);

''(X) covered supplier costs, as defined in such section 1106(a); and

''(XI) covered worker protection expenditures, as defined in such section 1106(a).''.

(2) LOAN FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(ii) by redesignating paragraph (5) as paragraph (8);

(iii) by redesignating paragraph (4) as paragraph (6);

(iv) by redesignating paragraph (3) as paragraph (4);

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

''(3) the term 'covered operations expenditure' means a payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records and expenses;'';

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

''(5) the term 'covered property damage cost' means a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation;'';

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

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

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

''(9) the term 'covered worker protection expenditure'—

''(A) means an operating or a capital expenditure that is required to facilitate the adaptation of the business activities of an

entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration during the period beginning on March 1, 2020 and ending December 31, 2020 related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID–19;

''(B) may include—

''(i) the purchase, maintenance, or renovation of assets that create or expand—

''(I) a drive-through window facility;

''(II) an indoor, outdoor, or combined air or air pressure ventilation or filtration system;

''(III) a physical barrier such as a sneeze guard;

''(IV) an indoor, outdoor, or combined commercial real property;

''(V) an onsite or offsite health screening capability; or

''(VI) other assets relating to the compliance with the requirements or guidance described in subparagraph (A), as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

''(ii) the purchase of—

''(I) covered materials described in section 328.103(a) of title 44, Code of Federal Regulations, or any successor regulation;

''(II) particulate filtering facepiece respirators approved by the National Institute for Occupational Safety and Health, including those approved only for emergency use authorization; or

''(III) other kinds of personal protective equipment, as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

''(C) does not include residential real property or intangible property;''; and

(ix) in paragraph (11), as so redesignated—

(I) in subparagraph (C), by striking ''and'' at the end;

(II) in subparagraph (D), by striking ''and'' at the end; and

(III) by adding at the end the following:

''(E) covered operations expenditures;

''(F) covered property damage costs;

''(G) covered supplier costs; and

''(H) covered worker protection expenditures; and'';

(B) in subsection (b), by adding at the end the following:

''(5) Any covered operations expenditure.

''(6) Any covered property damage cost.

''(7) Any covered supplier cost.

''(8) Any covered worker protection expenditure.'';

(C) in subsection (d)(8), by inserting ''any payment on any covered operations expenditure, any payment on any covered property damage cost, any payment on any covered supplier cost, any payment on any covered worker protection expenditure,'' after ''rent obligation,''; and

(D) in subsection (e)—

(i) in paragraph (2), by inserting ''payments on covered operations expenditures, payments on covered property damage costs, payments on covered supplier costs, payments on covered worker protection expenditures,'' after ''lease obligations,''; and

(ii) in paragraph (3)(B), by inserting ''make payments on covered operations expenditures, make payments on covered property damage costs, make payments on covered supplier costs, make payments on covered worker protection expenditures,'' after ''rent obligation,''.

(e) LENDER SAFE HARBOR.—Subsection (h) of section 1106 of the CARES Act (15 U.S.C. 9005) is amended to read as follows:

''(h) HOLD HARMLESS.—

''(1) IN GENERAL.—A lender may rely on any certification or documentation submitted by an applicant for a covered loan or an eligible recipient of a covered loan that—

''(A) is submitted pursuant to any statutory requirement relating to covered loans or any rule or guidance issued to carry out any action relating to covered loans; and

''(B) attests that the applicant or eligible recipient, as applicable, has accurately verified any certification or documentation provided to the lender.

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

''(A) an enforcement action may not be taken against the lender acting in good faith relating to origination or forgiveness of a covered loan based on such reliance; and

''(B) the lender acting in good faith shall not be subject to any penalties relating to origination or forgiveness of a covered loan based on such reliance.''.

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

(1) by amending paragraph (4) of subsection (a), as so redesignated by subsection (d) of this section, to read as follows:

''(4) the term 'covered period' means the period—

''(A) beginning on the date of the origination of a covered loan; and

''(B) ending on a date selected by the eligible recipient of the covered loan that occurs during the period—

''(i) beginning on the date that is 8 weeks after such date of origination; and

''(ii) ending on December 31, 2020;''; and

(2) by striking subsection (l).

(g) SIMPLIFIED APPLICATION.—Section 1106 of the CARES Act (15 U.S.C. 9005), as amended by subsection (f) of this section, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking ''An eligible'' and inserting ''Except as provided in subsection (l), an eligible'';

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

(3) by adding at the end the following:

''(l) SIMPLIFIED APPLICATION.—

''(1) COVERED LOANS UNDER $150,000.—

''(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is not more than $150,000, the covered loan amount shall be forgiven under this section if the eligible recipient—

''(i) signs and submits to the lender an attestation that the eligible recipient made a good faith effort to comply with the requirements under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)); and

''(ii) for the 1-year period following submission of the attestation under clause (i), retains records relevant to the attestation that prove compliance with those requirements.

''(B) DEMOGRAPHIC INFORMATION.—An eligible recipient of a covered loan described in subparagraph (A) may complete and submit any form related to borrower demographic information.

''(C) AUDIT.—The Administrator may—

''(i) review and audit covered loans described in subparagraph (A); and

''(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

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

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

''(2) COVERED LOANS BETWEEN $150,000 AND $2,000,000.—

''(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is more than $150,000 and not more than $2,000,000—

''(i) the eligible recipient seeking loan forgiveness under this section—

''(I) is not required to submit the supporting documentation described in paragraph (1) or (2) of subsection (e) or the certification described in subsection (e)(3)(A);

''(II) shall retain all relevant schedules, worksheets, and supporting documentation for the 3-year period following submission of the application for loan forgiveness; and

''(III) may complete and submit any form related to borrower demographic information;

''(ii) review by the lender of an application submitted by the eligible recipient for loan forgiveness under this section shall be limited to whether the lender received a complete application, with all fields completed, initialed, or signed, as applicable; and

''(iii) the lender shall—

''(I) accept the application submitted by the eligible recipient for loan forgiveness under this section; and

''(II) submit the application to the Administrator.

''(B) AUDIT.—The Administrator may—

''(i) review and audit covered loans described in subparagraph (A); and

''(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

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

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

''(3) AUDIT PLAN.—

''(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Continuing the Paycheck Protection Program Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details—

''(i) the policies and procedures of the Administrator for conducting reviews and audits of covered loans; and

''(ii) the metrics that the Administrator shall use to determine which covered loans will be audited for each category of covered loans described in paragraphs (1) and (2).

''(B) REPORTS.—Not later than 30 days after the date on which the Administrator submits the audit plan required under subparagraph (A), and each month thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the review and audit activities of the Administrator under this subsection, which shall include—

''(i) the number of active reviews and audits;

''(ii) the number of reviews and audits that have been ongoing for more than 60 days; and

''(iii) any substantial changes made to the audit plan submitted under subparagraph (A).''.

(h) GROUP INSURANCE PAYMENTS AS PAYROLL COSTS.—Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by inserting ''and other group insurance'' before ''benefits''.

(i) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(37) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the terms 'community financial institutions', 'credit union', 'eligible self-employed individual', 'insured depository institution', 'nonprofit organization', 'payroll costs', 'seasonal employer', and 'veterans organization' have the meanings given those terms in paragraph (36), except that 'eligible entity' shall be substituted for 'eligible recipient' each place it appears in the definitions of those terms;

''(ii) the term 'covered loan' means a loan made under this paragraph;

''(iii) the terms 'covered mortgage obligation', 'covered operating expenditure', 'covered property damage cost', 'covered rent obligation', 'covered supplier cost', 'covered utility payment', and 'covered worker protection expenditure' have the meanings given those terms in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

''(iv) the term 'covered period' means the period beginning on the date of the origination of a covered loan and ending on December 31, 2020;

''(v) the term 'eligible entity'—

''(I) means any business concern, nonprofit organization, veterans organization, Tribal business concern, eligible self-employed individual, sole proprietor, independent contractor, or small agricultural cooperative that—

''(aa)(AA) with respect to a business concern, would qualify as a small business concern by the annual receipts size standard (if applicable) established by section 121.201 of title 13, Code of Federal Regulations, or any successor regulation; or

''(BB) if the entity does not qualify as a small business concern, meets the alternative size standard established under section 3(a)(5);

''(bb) employs not more than 300 employees; and

''(cc)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are not less than 35 percent less than the gross receipts of the entity during the same quarter in 2019;

''(BB) if the entity was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the third or fourth quarter of 2019;

''(CC) if the entity was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the fourth quarter of 2019; or

''(DD) if the entity was not in business during 2019, but was in operation on February 15, 2020, had gross receipts during the second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the first quarter of 2020;

''(II) includes an organization described in subparagraph (D)(vii) of paragraph (36) that is eligible to receive a loan under that paragraph and that meets the requirements described in items (aa) and (cc) of subclause (I); and

''(III) does not include—

''(aa) an issuer, the securities of which are listed on an exchange registered a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);

''(bb) any entity that—

''(AA) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (l) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation;

''(BB) is a type of business concern described in section 120.110(g) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Criteria and Requirements for Certain Pledges of Loans' (85 Fed. Reg. 21747 (April 20, 2020));

''(CC) is a type of business concern described in section 120.110(i) of title 13, Code of Federal Regulations, or any successor regulation, except if the business concern is an organization described in paragraph (36)(D)(vii);

''(DD) is a type of business concern described in section 120.110(j) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rules of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Electric Cooperatives' (85 Fed. Reg. 29847 (May 19, 2020)) and 'Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Telephone Cooperatives' (85 Fed. Reg. 35550 (June 11, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

''(EE) is a type of business concern described in section 120.110(n) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Revisions to First Interim Final Rule' (85 Fed. Reg. 38301 (June 26, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

''(FF) is a type of business concern described in section 120.110(o) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in any guidance or rule issued or that may be issued by the Administrator; or

''(GG) is an entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents;

''(HH) is an entity that would be described in the subsections listed in subitems (AA) through (GG) if the entity were a business concern; or

''(II) is assigned, or was approved for a loan under paragraph (36) with, a North American Industry Classification System code beginning with 52;

''(cc) any business concern or entity primarily engaged in political or lobbying activities, which shall include any entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents; or

''(dd) any business concern or entity—

''(AA) for which an entity created in or organized under the laws of the People's Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People's Republic of China or the Special Administrative Region of Hong Kong, owns or holds, directly or indirectly, not less than 20 percent of the economic interest of the business concern or entity, including as equity shares or a capital or profit interest in a limited liability company or partnership; or

''(BB) that retains, as a member of the board of directors of the business concern, a person who is a resident of the People's Republic of China;

''(vi) the terms 'exchange', 'issuer', and 'security' have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); and

''(vii) the term 'Tribal business concern' means a Tribal business concern described in section 31(b)(2)(C).

''(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans to eligible entities under the same terms, conditions, and processes as a loan made under paragraph (36).

''(C) MAXIMUM LOAN AMOUNT.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the maximum amount of a covered loan made to an eligible entity is the lesser of—

''(I) the product obtained by multiplying—

''(aa) at the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity during—

''(AA) the 1-year period before the date on which the loan is made; or

''(BB) calendar year 2019; by

''(bb) 2.5; or

''(II) $2,000,000.

''(ii) SEASONAL EMPLOYERS.—The maximum amount of a covered loan made to an eligible entity that is a seasonal employer is the lesser of—

''(I) the product obtained by multiplying—

''(aa) at the election of the eligible entity, the average total monthly payments for payroll costs incurred or paid by the eligible entity—

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

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

''(bb) 2.5; or

''(II) $2,000,000.

''(iii) NEW ENTITIES.—The maximum amount of a covered loan made to an eligible entity that did not exist during the 1-year period preceding February 15, 2020 is the lesser of—

''(I) the product obtained by multiplying—

''(aa) the quotient obtained by dividing—

''(AA) the sum of the total monthly payments by the eligible entity for payroll costs paid or incurred by the eligible entity as of the date on which the eligible entity applies for the covered loan; by

''(BB) the number of months in which those payroll costs were paid or incurred; by

''(bb) 2.5; or

''(II) $2,000,000.

''(iv) LIMIT FOR MULTIPLE LOCATIONS.—With respect to an eligible entity with more than 1 physical location, the total amount of all covered loans shall be not more than $2,000,000.

''(v) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

''(vi) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed $10,000,000.

''(D) EXCEPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—An eligible entity applying for a covered loan shall not be required to make the certification described in subclause (III) or (IV) of paragraph (36)(G)(i).

''(E) FEE WAIVER.—With respect to a covered loan—

''(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

''(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

''(F) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZATIONS.—

''(i) SENSE OF CONGRESS.—It is the sense of Congress that the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program' (85 Fed. Reg. 20817 (April 15, 2020)) properly clarified the eligibility of churches and religious organizations for loans made under paragraph (36).

''(ii) APPLICABILITY OF PROHIBITION.—The prohibition on eligibility established by section 120.110(k) of title 13, Code of Federal Regulations, or any successor regulation, shall not apply to a covered loan.

''(G) GROSS RECEIPTS FOR NONPROFIT AND VETERANS ORGANIZATIONS.—For purposes of calculating gross receipts under subparagraph (A)(v)(I)(cc) for an eligible entity that is a nonprofit organization, a veterans organization, or an organization described in subparagraph (A)(v)(II), gross receipts—

''(i) shall include proceeds from fundraising events, federated campaigns, gifts, donor-advised funds, and funds from similar sources; and

''(ii) shall not include—

''(I) Federal grants (excluding any loan forgiveness on loans received under paragraph (36) or this paragraph);

''(II) revenues from a supporting organization;

''(III) grants from private foundations that are disbursed over the course of more than 1 calendar year; or

''(IV) any contribution of property other than money, stocks, bonds, and other securities, provided that the non-cash contribution is not sold by the organization in a transaction unrelated to the tax-exempt purpose of the organization.

''(H) LOAN FORGIVENESS.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, an eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in the same manner as an eligible recipient with respect to a loan made under paragraph (36), as described in section 1106 of the CARES Act (15 U.S.C. 9005).

''(ii) FORGIVENESS AMOUNT.—An eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in an amount equal to the sum of the following costs incurred or expenditures made during the covered period:

''(I) Payroll costs.

''(II) Any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation).

''(III) Any covered operations expenditure.

''(IV) Any covered property damage cost.

''(V) Any payment on any covered rent obligation.

''(VI) Any covered utility payment.

''(VII) Any covered supplier cost.

''(VIII) Any covered worker protection expenditure.

''(iii) LIMITATION ON FORGIVENESS FOR ALL ELIGIBLE ENTITIES.—The forgiveness amount under this subparagraph shall be equal to the lesser of—

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

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

''(aa) the amount of the covered loan used for payroll costs during the covered period; and

''(bb) 0.60.

''(I) LENDER ELIGIBILITY.—Except as otherwise provided in this paragraph, a lender approved to make loans under paragraph (36) may make covered loans under the same terms and conditions as in paragraph (36).

''(J) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

''(i) 3 percent of the principal amount of the financing of the covered loan up to $350,000; and

''(ii) 1 percent of the principal amount of the financing of the covered loan above $350,000, if applicable.

''(K) SET ASIDE FOR SMALL ENTITIES.—Not less than $25,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made to eligible entities with not more than 10 employees as of February 15, 2020.

''(L) SET ASIDE FOR COMMUNITY FINANCIAL INSTITUTIONS, SMALL INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND FARM CREDIT SYSTEM INSTITUTIONS.—Not less than $10,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made by—

''(i) community financial institutions;

''(ii) insured depository institutions with consolidated assets of less than $10,000,000,000;

''(iii) credit unions with consolidated assets of less than $10,000,000,000; and

''(iv) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than $10,000,000,000 (not including the Federal Agricultural Mortgage Corporation).

''(M) PUBLICATION OF GUIDANCE.—Not later than 10 days after the date of enactment of this paragraph, the Administrator shall issue guidance addressing barriers to accessing capital for minority, underserved, veteran, and women-owned business concerns for the purpose of ensuring equitable access to covered loans.

''(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.

''(O) PROHIBITION ON USE OF PROCEEDS FOR LOBBYING ACTIVITIES.—None of the proceeds of a covered loan may be used for—

''(i) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

''(ii) lobbying expenditures related to a State or local election; or

''(iii) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.''.

(j) CONTINUED ACCESS TO THE PAYCHECK PROTECTION PROGRAM.—

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

(2) APPLICABILITY OF MAXIMUM LOAN AMOUNT CALCULATION.—

(A) DEFINITIONS.—In this paragraph, the terms ''covered loan'' and ''eligible recipient'' have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(B) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan applied for by an eligible recipient on or after the date of enactment of this Act.

(k) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN LOAN AMOUNT DUE TO UPDATED REGULATIONS.—

(1) DEFINITIONS.—In this subsection, the terms ''covered loan'' and ''eligible recipient'' have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(2) INCREASED AMOUNT.—Notwithstanding the interim final rule issued by the Administration entitled ''Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Increases'' (85 Fed. Reg. 29842 (May 19, 2020)), an eligible recipient of a covered loan that is eligible for an increased covered loan amount as a result of any interim final rule that allows for covered loan increases may submit a request for an increase in the covered loan amount even if—

(A) the initial covered loan amount has been fully disbursed; or

(B) the lender of the initial covered loan has submitted to the Administration a Form 1502 report related to the covered loan.

(l) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS UNDER THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (j) of this section, is amended—

(A) in subparagraph (E), in the matter preceding clause (i), by striking ''During'' and inserting ''Except as provided in subparagraph (T), during''; and

(B) by adding at the end the following:

''(T) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS.—

''(i) DEFINITION.—In this subparagraph, the term 'covered recipient' means an eligible recipient that—

''(I) operates as a sole proprietorship or as an independent contractor, or is an eligible self-employed individual;

''(II) reports farm income or expenses on a Schedule F (or any equivalent successor schedule); and

''(III) was in business during the period beginning on February 15, 2019 and ending on June 30, 2019.

''(ii) NO EMPLOYEES.—With respect to covered recipient without employees, the maximum covered loan amount shall be the lesser of—

''(I) the sum of—

''(aa) the product obtained by multiplying—

''(AA) the gross income of the covered recipient in 2019, as reported on a Schedule F (or any equivalent successor schedule), that is not more than $100,000, divided by 12; and

''(BB) 2.5; and

''(bb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on April 3, 2020 that the borrower intends to refinance under the covered loan, not including any amount of any advance under the loan that is not required to be repaid; or

''(II) $2,000,000.

''(iii) WITH EMPLOYEES.—With respect to a covered recipient with employees, the maximum covered loan amount shall be calculated using the formula described in subparagraph (E), except that the gross income of the covered recipient described in clause (ii)(I)(aa)(AA) of this subparagraph, as divided by 12, shall be added to the sum calculated under subparagraph (E)(i)(I).

''(iv) RECALCULATION.—A lender that made a covered loan to a covered recipient before the date of enactment of this subparagraph may, at the request of the covered recipient—

''(I) recalculate the maximum loan amount applicable to that covered loan based on the formula described in clause (ii) or (iii), as applicable, if doing so would result in a larger covered loan amount; and

''(II) provide the covered recipient with additional covered loan amounts based on that recalculation.''.

(m) FARM CREDIT SYSTEM INSTITUTIONS.—

(1) DEFINITION OF FARM CREDIT SYSTEM INSTITUTION.—In this subsection, the term ''Farm Credit System institution''—

(A) means an institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); and

(B) does not include the Federal Agricultural Mortgage Corporation.

(2) FACILITATION OF PARTICIPATION IN PPP AND SECOND DRAW LOANS.—

(A) APPLICABLE RULES.—Solely with respect to loans under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), Farm Credit Administration regulations and guidance issued as of July 14, 2020, and compliance with such regulations and guidance, shall be deemed functionally equivalent to requirements referenced in section 3(a)(iii)(II) of the interim final rule of the Administration entitled ''Business Loan Program Temporary Changes; Paycheck Protection Program'' (85 Fed. Reg. 20811 (April 15, 2020)) or any similar requirement referenced in that interim final rule in implementing such paragraph (37).

(B) APPLICABILITY OF CERTAIN LOAN REQUIREMENTS.—For purposes of making loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgiving those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37), sections 4.13, 4.14, and 4.14A of the Farm Credit Act of 1971 (12 U.S.C. 2199, 2202, 2202a) (including regulations issued under those sections) shall not apply.

(C) RISK WEIGHT.—

(i) IN GENERAL.—With respect to the application of Farm Credit Administration capital requirements, a loan described in clause (ii)—

(I) shall receive a risk weight of zero percent; and

(II) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio or calculation.

(ii) LOANS DESCRIBED.—A loan referred to in clause (i) is—

(I) a loan made by a Farm Credit Bank described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) to a Federal Land Bank Association, a Production Credit Association, or an agricultural credit association described in that section to make loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgive those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37); or

(II) a loan made by a Federal Land Bank Association, a Production Credit Association, an agricultural credit association, or the bank for cooperatives described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(D) RESERVATION OF LOAN GUARANTEES.—Section 7(a)(36)(S) of the Small Business Act (15 U.S.C. 636(a)(36)(S)) is amended—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end;

(II) in subclause (II), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(III) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of not less than $10,000,000,000 and less than $50,000,000,000.''; and

(ii) in clause (ii)—

(I) in subclause (II), by striking ''and'' at the end;

(II) in subclause (III), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(IV) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than $10,000,000,000.''.

(n) DEFINITION OF SEASONAL EMPLOYER.—

(1) PPP LOANS.—Section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

(A) in clause (xi), by striking ''and'' at the end;

(B) in clause (xii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(xiii) the term 'seasonal employer' means an eligible recipient that—

''(I) does not operate for more than 7 months in any calendar year; or

''(II) during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year.''.

(2) LOAN FORGIVENESS.—Paragraph (12) of section 1106(a) of the CARES Act (15 U.S.C. 9005(a)), as so redesignated by subsection (d)(2) of this section, is amended to read as follows:

''(12) the terms 'payroll costs' and 'seasonal employer' have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).''.

(o) ELIGIBILITY OF 501(C)(6) ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended—

(1) in clause (v), by inserting ''or whether an organization described in clause (vii) employs not more than 150 employees,'' after ''clause (i)(I),'';

(2) in clause (vi), by inserting '', an organization described in clause (vii),'' after ''nonprofit organization''; and

(3) by adding at the end the following:

''(vii) ELIGIBILITY FOR CERTAIN 501(C)(6) ORGANIZATIONS.—

''(I) IN GENERAL.—Except as provided in subclause (II), any organization that is described in section 501(c)(6) of the Internal Revenue Code and that is exempt from taxation under section 501(a) of such Code (excluding professional sports leagues and organizations with the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if—

''(aa) the organization does not receive more than 10 percent of its receipts from lobbying activities;

''(bb) the lobbying activities of the organization do not comprise more than 10 percent of the total activities of the organization; and

''(cc) the organization employs not more than 150 employees.

''(II) DESTINATION MARKETING ORGANIZATIONS.—Notwithstanding subclause (I), during the covered period, any destination marketing organization shall be eligible to receive a covered loan if—

''(aa) the destination marketing organization does not receive more than 10 percent of its receipts from lobbying activities;

''(bb) the lobbying activities of the destination marketing organization do not comprise more than 10 percent of the total activities of the organization;

''(cc) the destination marketing organization employs not more than 150 employees; and

''(dd) the destination marketing organization—

''(AA) is described in section 501(c) of the Internal Revenue Code and is exempt from taxation under section 501(a) of such Code; or

''(BB) is a quasi-governmental entity or is a political subdivision of a State or local government, including any instrumentality of those entities.''.

(p) PROHIBITION ON USE OF LOAN PROCEEDS FOR LOBBYING ACTIVITIES.—Section 7(a)(36)(F) of the Small Business Act (15 U.S.C. 636(a)(36)(F)) is amended by adding at the end the following:

''(vi) PROHIBITION.—None of the proceeds of a covered loan may be used for—

''(I) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

''(II) lobbying expenditures related to a State or local election; or

''(III) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.''.

(q) EFFECTIVE DATE; APPLICABILITY.—The amendments made to paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title I of the CARES Act (Public Law 116–136) under this section shall be effective as if included in the CARES Act and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(r) BANKRUPTCY PROVISIONS.—

(1) IN GENERAL.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

''(g)(1) The court, after notice and a hearing, may authorize a debtor in possession or a trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of this title to obtain a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), and such loan shall be treated as a debt to the extent the loan is not forgiven in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) or subparagraph (H) of such paragraph (37), as applicable, with priority equal to a claim of the kind specified in subsection (c)(1) of this section.

''(2) The trustee may incur debt described in paragraph (1) notwithstanding any provision in a contract, prior order authorizing the trustee to incur debt under this section, prior order authorizing the trustee to use cash collateral under section 363, or applicable law that prohibits the debtor from incurring additional debt.

''(3) The court shall hold a hearing within 7 days after the filing and service of the motion to obtain a loan described in paragraph (1).''.

(2) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(A) in paragraph (8)(B), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) any debt incurred under section 364(g)(1) of this title.''.

(3) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1191 of title 11, United States Code, is amended by adding at the end the following:

''(f) SPECIAL PROVISION RELATED TO COVID–19 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of this title and subsection (e) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed under subsection (b) of this section if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(4) CONFIRMATION OF PLAN FOR FAMILY FARMERS AND FISHERMEN.—Section 1225 of title 11, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding section 1222(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(5) CONFIRMATION OF PLAN FOR INDIVIDUALS.—Section 1325 of title 11, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding section 1322(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(6) EFFECTIVE DATE; SUNSET.—

(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (5) shall—

(i) take effect on the date on which the Administrator submits to the Director of the Executive Office for United States Trustees a written determination that, subject to satisfying any other eligibility requirements, any debtor in possession or trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of title 11, United States Code, would be eligible for a loan under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

(ii) apply to any case pending on or commenced on or after the date described in clause (i).

(B) SUNSET.—

(i) IN GENERAL.—If the amendments made by this subsection take effect under subparagraph (A), effective on the date that is 2 years after the date of enactment of this Act—

(I) section 364 of title 11, United States Code, is amended by striking subsection (g);

(II) section 503(b) of title 11, United States Code, is amended—

(aa) in paragraph (8)(B), by adding ''and'' at the end;

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

(cc) by striking paragraph (10);

(III) section 1191 of title 11, United States Code, is amended by striking subsection (f);

(IV) section 1225 of title 11, United States Code, is amended by striking subsection (d); and

(V) section 1325 of title 11, United States Code, is amended by striking subsection (d).

(ii) APPLICABILITY.—Notwithstanding the amendments made by clause (i) of this subparagraph, if the amendments made by paragraphs (1), (2), (3), (4), and (5) take effect under subparagraph (A) of this paragraph, such amendments shall apply to any case under title 11, United States Code, commenced before the date that is 2 years after the date of enactment of this Act.

(s) OVERSIGHT.—

(1) COMPLIANCE WITH OVERSIGHT REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on and after the date of enactment of this Act, the Administrator shall comply with any data or information requests or inquiries made by the Comptroller General of the United States not later than 30 days (or such later date as the Comptroller General may specify) after receiving the request or inquiry.

(B) EXCEPTION.—If the Administrator is unable to comply with a request or inquiry described in subparagraph (A) within the 30-day period or, if applicable, later period described in that clause, the Administrator shall, during that 30-day (or later) period, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a notification that includes a detailed justification for the inability of the Administrator to comply with the request or inquiry.

(2) TESTIMONY.—Not later than the date that is 30 days after the date of enactment of this Act, and every quarter thereafter until the date that is 2 years after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding implementation of this section and the amendments made by this section.

(t) CONFLICTS OF INTEREST.—

(1) DEFINITIONS.—In this subsection:

(A) CONTROLLING INTEREST.—The term ''controlling interest'' means owning, controlling, or holding not less than 20 percent, by vote or value, of the outstanding amount of any class of equity interest in an entity.

(B) COVERED ENTITY.—

(i) DEFINITION.—The term ''covered entity'' means an entity in which a covered individual directly or indirectly holds a controlling interest.

(ii) TREATMENT OF SECURITIES.—For the purpose of determining whether an entity is a covered entity, the securities owned, controlled, or held by 2 or more individuals who are related as described in subparagraph (C)(ii) shall be aggregated.

(C) COVERED INDIVIDUAL.—The term ''covered individual'' means—

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

(ii) the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of an individual described in clause (i).

(D) EXECUTIVE DEPARTMENT.—The term ''Executive department'' has the meaning given the term in section 101 of title 5, United States Code.

(E) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a Member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(F) EQUITY INTEREST.—The term ''equity interest'' means—

(i) a share in an entity, without regard to whether the share is—

(I) transferable; or

(II) classified as stock or anything similar;

(ii) a capital or profit interest in a limited liability company or partnership; or

(iii) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in clause (i) or (ii), respectively.

(2) REQUIREMENT.—The principal executive officer and the principal financial officer, or individuals performing similar functions, of an entity seeking to enter a transaction made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, shall, before that transaction is approved, disclose to the Administrator whether the entity is a covered entity.

(3) APPLICABILITY.—The requirement under paragraph (2)—

(A) shall apply with respect to any transaction made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, on or after the date of enactment of this Act; and

(B) shall not apply with respect to—

(i) any transaction described in subparagraph (A) that was made before the date of enactment of this Act; or

(ii) forgiveness under section 1106 of the CARES Act (15 U.S.C. 9005) or any other provision of law of any loan associated with any transaction described in subparagraph (A) that was made before the date of enactment of this Act.

(u) COMMITMENT AUTHORITY AND APPROPRIATIONS.—

(1) COMMITMENT AUTHORITY.—Section 1102(b) of the CARES Act (Public Law 116–136) is amended—

(A) in paragraph (1)—

(i) in the paragraph heading, by inserting ''AND SECOND DRAW'' after ''PPP'';

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

(iii) by striking ''paragraph (36)'' and inserting ''paragraphs (36) and (37)''; and

(iv) by striking ''$659,000,000,000'' and inserting ''$816,690,000,000''; and

(B) by amending paragraph (2) to read as follows:

''(2) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading 'Small Business Administration—Business Loans Program Account' in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116–193) shall apply with respect to any commitments under such section 7(a) other than under paragraphs (36) and (37) of such section 7(a).''.

(2) DIRECT APPROPRIATIONS.—

(A) RESCISSION.—With respect to unobligated balances under the heading '' 'Small Business Administration—Business Loans Program Account, CARES Act'' as of the day before the date of enactment of this Act, $100,000,000,000 shall be rescinded and deposited into the general fund of the Treasury.

(B) NEW DIRECT APPROPRIATIONS FOR PPP LOANS, SECOND DRAW LOANS, AND THE MBDA.—

(i) PPP AND SECOND DRAW LOANS.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, to remain available until September 30, 2021, for additional amounts—

(I) $257,690,000,000 under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' for the cost of guaranteed loans as authorized under paragraph (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this Act; and

(II) $10,000,000 under the heading under the heading ''Department of Commerce—Minority Business Development Agency'' for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns.

(C) AVAILABILITY OF AMOUNTS APPROPRIATED FOR THE OFFICE OF INSPECTOR GENERAL.—Section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)) is amended by striking ''September 20, 2024'' and inserting ''expended''.

(v) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided under this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 2508. Mr. RUBIO (for himself and Ms. COLLINS) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. SMALL BUSINESS RECOVERY.

(a) SHORT TITLE.—This section may be cited as the ''Continuing the Paycheck Protection Program Act''.

(b) DEFINITIONS.—In this section:

(1) ADMINISTRATION; ADMINISTRATOR.—The terms ''Administration'' and ''Administrator'' mean the Small Business Administration and the Administrator thereof, respectively.

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

(c) EMERGENCY RULEMAKING AUTHORITY.—Not later than 30 days after the date of enactment of this Act, the Administrator shall issue regulations to carry out this section and the amendments made by this section without regard to the notice requirements under section 553(b) of title 5, United States Code.

(d) ADDITIONAL ELIGIBLE EXPENSES.—

(1) ALLOWABLE USE OF PPP LOAN.—Section 7(a)(36)(F)(i) of the Small Business Act (15 U.S.C. 636(a)(36)(F)(i)) is amended—

(A) in subclause (VI), by striking ''and'' at the end;

(B) in subclause (VII), by striking the period at the end and inserting a semicolon; and

(C) by adding at the end the following:

''(VIII) covered operations expenditures, as defined in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

''(IX) covered property damage costs, as defined in such section 1106(a);

''(X) covered supplier costs, as defined in such section 1106(a); and

''(XI) covered worker protection expenditures, as defined in such section 1106(a).''.

(2) LOAN FORGIVENESS.—Section 1106 of the CARES Act (15 U.S.C. 9005) is amended—

(A) in subsection (a)—

(i) by redesignating paragraphs (6), (7), and (8) as paragraphs (10), (11), and (12), respectively;

(ii) by redesignating paragraph (5) as paragraph (8);

(iii) by redesignating paragraph (4) as paragraph (6);

(iv) by redesignating paragraph (3) as paragraph (4);

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

''(3) the term 'covered operations expenditure' means a payment for any business software or cloud computing service that facilitates business operations, product or service delivery, the processing, payment, or tracking of payroll expenses, human resources, sales and billing functions, or accounting or tracking of supplies, inventory, records and expenses;'';

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

''(5) the term 'covered property damage cost' means a cost related to property damage and vandalism or looting due to public disturbances that occurred during 2020 that was not covered by insurance or other compensation;'';

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

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

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

''(9) the term 'covered worker protection expenditure'—

''(A) means an operating or a capital expenditure that is required to facilitate the adaptation of the business activities of an entity to comply with requirements established or guidance issued by the Department of Health and Human Services, the Centers for Disease Control, or the Occupational Safety and Health Administration during the period beginning on March 1, 2020 and ending December 31, 2020 related to the maintenance of standards for sanitation, social distancing, or any other worker or customer safety requirement related to COVID–19;

''(B) may include—

''(i) the purchase, maintenance, or renovation of assets that create or expand—

''(I) a drive-through window facility;

''(II) an indoor, outdoor, or combined air or air pressure ventilation or filtration system;

''(III) a physical barrier such as a sneeze guard;

''(IV) an indoor, outdoor, or combined commercial real property;

''(V) an onsite or offsite health screening capability; or

''(VI) other assets relating to the compliance with the requirements or guidance described in subparagraph (A), as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

''(ii) the purchase of—

''(I) covered materials described in section 328.103(a) of title 44, Code of Federal Regulations, or any successor regulation;

''(II) particulate filtering facepiece respirators approved by the National Institute for Occupational Safety and Health, including those approved only for emergency use authorization; or

''(III) other kinds of personal protective equipment, as determined by the Administrator in consultation with the Secretary of Health and Human Services and the Secretary of Labor; and

''(C) does not include residential real property or intangible property;''; and

(ix) in paragraph (11), as so redesignated—

(I) in subparagraph (C), by striking ''and'' at the end;

(II) in subparagraph (D), by striking ''and'' at the end; and

(III) by adding at the end the following:

''(E) covered operations expenditures;

''(F) covered property damage costs;

''(G) covered supplier costs; and

''(H) covered worker protection expenditures; and'';

(B) in subsection (b), by adding at the end the following:

''(5) Any covered operations expenditure.

''(6) Any covered property damage cost.

''(7) Any covered supplier cost.

''(8) Any covered worker protection expenditure.'';

(C) in subsection (d)(8), by inserting ''any payment on any covered operations expenditure, any payment on any covered property damage cost, any payment on any covered supplier cost, any payment on any covered worker protection expenditure,'' after ''rent obligation,''; and

(D) in subsection (e)—

(i) in paragraph (2), by inserting ''payments on covered operations expenditures, payments on covered property damage costs, payments on covered supplier costs, payments on covered worker protection expenditures,'' after ''lease obligations,''; and

(ii) in paragraph (3)(B), by inserting ''make payments on covered operations expenditures, make payments on covered property damage costs, make payments on covered supplier costs, make payments on covered worker protection expenditures,'' after ''rent obligation,''.

(e) LENDER SAFE HARBOR.—Subsection (h) of section 1106 of the CARES Act (15 U.S.C. 9005) is amended to read as follows:

''(h) HOLD HARMLESS.—

''(1) IN GENERAL.—A lender may rely on any certification or documentation submitted by an applicant for a covered loan or an eligible recipient of a covered loan that—

''(A) is submitted pursuant to any statutory requirement relating to covered loans or any rule or guidance issued to carry out any action relating to covered loans; and

''(B) attests that the applicant or eligible recipient, as applicable, has accurately verified any certification or documentation provided to the lender.

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

''(A) an enforcement action may not be taken against the lender acting in good faith relating to origination or forgiveness of a covered loan based on such reliance; and

''(B) the lender acting in good faith shall not be subject to any penalties relating to origination or forgiveness of a covered loan based on such reliance.''.

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

(1) by amending paragraph (4) of subsection (a), as so redesignated by subsection (d) of this section, to read as follows:

''(4) the term 'covered period' means the period—

''(A) beginning on the date of the origination of a covered loan; and

''(B) ending on a date selected by the eligible recipient of the covered loan that occurs during the period—

''(i) beginning on the date that is 8 weeks after such date of origination; and

''(ii) ending on December 31, 2020;''; and

(2) by striking subsection (l).

(g) SIMPLIFIED APPLICATION.—Section 1106 of the CARES Act (15 U.S.C. 9005), as amended by subsection (f) of this section, is amended—

(1) in subsection (e), in the matter preceding paragraph (1), by striking ''An eligible'' and inserting ''Except as provided in subsection (l), an eligible'';

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

(3) by adding at the end the following:

''(l) SIMPLIFIED APPLICATION.—

''(1) COVERED LOANS UNDER $150,000.—

''(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is not more than $150,000, the covered loan amount shall be forgiven under this section if the eligible recipient—

''(i) signs and submits to the lender an attestation that the eligible recipient made a good faith effort to comply with the requirements under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)); and

''(ii) for the 1-year period following submission of the attestation under clause (i), retains records relevant to the attestation that prove compliance with those requirements.

''(B) DEMOGRAPHIC INFORMATION.—An eligible recipient of a covered loan described in subparagraph (A) may complete and submit

any form related to borrower demographic information.

''(C) AUDIT.—The Administrator may—

''(i) review and audit covered loans described in subparagraph (A); and

''(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

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

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

''(2) COVERED LOANS BETWEEN $150,000 AND $2,000,000.—

''(A) IN GENERAL.—Notwithstanding subsection (e), with respect to a covered loan made to an eligible recipient that is more than $150,000 and not more than $2,000,000—

''(i) the eligible recipient seeking loan forgiveness under this section—

''(I) is not required to submit the supporting documentation described in paragraph (1) or (2) of subsection (e) or the certification described in subsection (e)(3)(A);

''(II) shall retain all relevant schedules, worksheets, and supporting documentation for the 3-year period following submission of the application for loan forgiveness; and

''(III) may complete and submit any form related to borrower demographic information;

''(ii) review by the lender of an application submitted by the eligible recipient for loan forgiveness under this section shall be limited to whether the lender received a complete application, with all fields completed, initialed, or signed, as applicable; and

''(iii) the lender shall—

''(I) accept the application submitted by the eligible recipient for loan forgiveness under this section; and

''(II) submit the application to the Administrator.

''(B) AUDIT.—The Administrator may—

''(i) review and audit covered loans described in subparagraph (A); and

''(ii) in the case of fraud, ineligibility, or other material noncompliance with applicable loan or loan forgiveness requirements, modify—

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

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

''(3) AUDIT PLAN.—

''(A) IN GENERAL.—Not later than 30 days after the date of enactment of the Continuing the Paycheck Protection Program Act, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives an audit plan that details—

''(i) the policies and procedures of the Administrator for conducting reviews and audits of covered loans; and

''(ii) the metrics that the Administrator shall use to determine which covered loans will be audited for each category of covered loans described in paragraphs (1) and (2).

''(B) REPORTS.—Not later than 30 days after the date on which the Administrator submits the audit plan required under subparagraph (A), and each month thereafter, the Administrator shall submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a report on the review and audit activities of the Administrator under this subsection, which shall include—

''(i) the number of active reviews and audits;

''(ii) the number of reviews and audits that have been ongoing for more than 60 days; and

''(iii) any substantial changes made to the audit plan submitted under subparagraph (A).''.

(h) GROUP INSURANCE PAYMENTS AS PAYROLL COSTS.—Section 7(a)(36)(A)(viii)(I)(aa)(EE) of the Small Business Act (15 U.S.C. 636(a)(36)(A)(viii)(I)(aa)(EE)) is amended by inserting ''and other group insurance'' before ''benefits''.

(i) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—Section 7(a) of the Small Business Act (15 U.S.C. 636(a)) is amended by adding at the end the following:

''(37) PAYCHECK PROTECTION PROGRAM SECOND DRAW LOANS.—

''(A) DEFINITIONS.—In this paragraph—

''(i) the terms 'community financial institutions', 'credit union', 'eligible self-employed individual', 'insured depository institution', 'nonprofit organization', 'payroll costs', 'seasonal employer', and 'veterans organization' have the meanings given those terms in paragraph (36), except that 'eligible entity' shall be substituted for 'eligible recipient' each place it appears in the definitions of those terms;

''(ii) the term 'covered loan' means a loan made under this paragraph;

''(iii) the terms 'covered mortgage obligation', 'covered operating expenditure', 'covered property damage cost', 'covered rent obligation', 'covered supplier cost', 'covered utility payment', and 'covered worker protection expenditure' have the meanings given those terms in section 1106(a) of the CARES Act (15 U.S.C. 9005(a));

''(iv) the term 'covered period' means the period beginning on the date of the origination of a covered loan and ending on December 31, 2020;

''(v) the term 'eligible entity'—

''(I) means any business concern, nonprofit organization, veterans organization, Tribal business concern, eligible self-employed individual, sole proprietor, independent contractor, or small agricultural cooperative that—

''(aa)(AA) with respect to a business concern, would qualify as a small business concern by the annual receipts size standard (if applicable) established by section 121.201 of title 13, Code of Federal Regulations, or any successor regulation; or

''(BB) if the entity does not qualify as a small business concern, meets the alternative size standard established under section 3(a)(5);

''(bb) employs not more than 300 employees; and

''(cc)(AA) except as provided in subitems (BB), (CC), and (DD), had gross receipts during the first or second quarter in 2020 that are not less than 35 percent less than the gross receipts of the entity during the same quarter in 2019;

''(BB) if the entity was not in business during the first or second quarter of 2019, but was in business during the third and fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the third or fourth quarter of 2019;

''(CC) if the entity was not in business during the first, second, or third quarter of 2019, but was in business during the fourth quarter of 2019, had gross receipts during the first or second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the fourth quarter of 2019; or

''(DD) if the entity was not in business during 2019, but was in operation on February 15, 2020, had gross receipts during the second quarter of 2020 that are less than 35 percent of the amount of the gross receipts of the entity during the first quarter of 2020;

''(II) includes an organization described in subparagraph (D)(vii) of paragraph (36) that is eligible to receive a loan under that paragraph and that meets the requirements described in items (aa) and (cc) of subclause (I); and

''(III) does not include—

''(aa) an issuer, the securities of which are listed on an exchange registered a national securities exchange under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f);

''(bb) any entity that—

''(AA) is a type of business concern described in subsection (b), (c), (d), (e), (f), (h), (l) (m), (p), (q), (r), or (s) of section 120.110 of title 13, Code of Federal Regulations, or any successor regulation;

''(BB) is a type of business concern described in section 120.110(g) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Criteria and Requirements for Certain Pledges of Loans' (85 Fed. Reg. 21747 (April 20, 2020));

''(CC) is a type of business concern described in section 120.110(i) of title 13, Code of Federal Regulations, or any successor regulation, except if the business concern is an organization described in paragraph (36)(D)(vii);

''(DD) is a type of business concern described in section 120.110(j) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rules of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Electric Cooperatives' (85 Fed. Reg. 29847 (May 19, 2020)) and 'Business Loan Program Temporary Changes; Paycheck Protection Program—Eligibility of Certain Telephone Cooperatives' (85 Fed. Reg. 35550 (June 11, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

''(EE) is a type of business concern described in section 120.110(n) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program—Additional Eligibility Revisions to First Interim Final Rule' (85 Fed. Reg. 38301 (June 26, 2020)) or any other guidance or rule issued or that may be issued by the Administrator;

''(FF) is a type of business concern described in section 120.110(o) of title 13, Code of Federal Regulations, or any successor regulation, except as otherwise provided in any guidance or rule issued or that may be issued by the Administrator; or

''(GG) is an entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents;

''(HH) is an entity that would be described in the subsections listed in subitems (AA) through (GG) if the entity were a business concern; or

''(II) is assigned, or was approved for a loan under paragraph (36) with, a North American Industry Classification System code beginning with 52;

''(cc) any business concern or entity primarily engaged in political or lobbying activities, which shall include any entity that is organized for research or for engaging in advocacy in areas such as public policy or political strategy or otherwise describes itself as a think tank in any public documents; or

''(dd) any business concern or entity—

''(AA) for which an entity created in or organized under the laws of the People's Republic of China or the Special Administrative Region of Hong Kong, or that has significant operations in the People's Republic of China or the Special Administrative Region of Hong Kong, owns or holds, directly or indirectly, not less than 20 percent of the economic interest of the business concern or entity, including as equity shares or a capital or profit interest in a limited liability company or partnership; or

''(BB) that retains, as a member of the board of directors of the business concern, a person who is a resident of the People's Republic of China;

''(vi) the terms 'exchange', 'issuer', and 'security' have the meanings given those terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)); and

''(vii) the term 'Tribal business concern' means a Tribal business concern described in section 31(b)(2)(C).

''(B) LOANS.—Except as otherwise provided in this paragraph, the Administrator may guarantee covered loans to eligible entities under the same terms, conditions, and processes as a loan made under paragraph (36).

''(C) MAXIMUM LOAN AMOUNT.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, the maximum amount of a covered loan made to an eligible entity is the lesser of—

''(I) the product obtained by multiplying—

''(aa) at the election of the eligible entity, the average total monthly payment for payroll costs incurred or paid by the eligible entity during—

''(AA) the 1-year period before the date on which the loan is made; or

''(BB) calendar year 2019; by

''(bb) 2.5; or

''(II) $2,000,000.

''(ii) SEASONAL EMPLOYERS.—The maximum amount of a covered loan made to an eligible entity that is a seasonal employer is the lesser of—

''(I) the product obtained by multiplying—

''(aa) at the election of the eligible entity, the average total monthly payments for payroll costs incurred or paid by the eligible entity—

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

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

''(bb) 2.5; or

''(II) $2,000,000.

''(iii) NEW ENTITIES.—The maximum amount of a covered loan made to an eligible entity that did not exist during the 1-year period preceding February 15, 2020 is the lesser of—

''(I) the product obtained by multiplying—

''(aa) the quotient obtained by dividing—

''(AA) the sum of the total monthly payments by the eligible entity for payroll costs paid or incurred by the eligible entity as of the date on which the eligible entity applies for the covered loan; by

''(BB) the number of months in which those payroll costs were paid or incurred; by

''(bb) 2.5; or

''(II) $2,000,000.

''(iv) LIMIT FOR MULTIPLE LOCATIONS.—With respect to an eligible entity with more than 1 physical location, the total amount of all covered loans shall be not more than $2,000,000.

''(v) LOAN NUMBER LIMITATION.—An eligible entity may only receive 1 covered loan.

''(vi) 90 DAY RULE FOR MAXIMUM LOAN AMOUNT.—The maximum aggregate loan amount of loans guaranteed under this subsection that are approved for an eligible entity (including any affiliates) within 90 days of approval of another loan under this subsection for the eligible entity (including any affiliates) shall not exceed $10,000,000.

''(D) EXCEPTION FROM CERTAIN CERTIFICATION REQUIREMENTS.—An eligible entity applying for a covered loan shall not be required to make the certification described in subclause (III) or (IV) of paragraph (36)(G)(i).

''(E) FEE WAIVER.—With respect to a covered loan—

''(i) in lieu of the fee otherwise applicable under paragraph (23)(A), the Administrator shall collect no fee; and

''(ii) in lieu of the fee otherwise applicable under paragraph (18)(A), the Administrator shall collect no fee.

''(F) ELIGIBLE CHURCHES AND RELIGIOUS ORGANIZATIONS.—

''(i) SENSE OF CONGRESS.—It is the sense of Congress that the interim final rule of the Administration entitled 'Business Loan Program Temporary Changes; Paycheck Protection Program' (85 Fed. Reg. 20817 (April 15, 2020)) properly clarified the eligibility of churches and religious organizations for loans made under paragraph (36).

''(ii) APPLICABILITY OF PROHIBITION.—The prohibition on eligibility established by section 120.110(k) of title 13, Code of Federal Regulations, or any successor regulation, shall not apply to a covered loan.

''(G) GROSS RECEIPTS FOR NONPROFIT AND VETERANS ORGANIZATIONS.—For purposes of calculating gross receipts under subparagraph (A)(v)(I)(cc) for an eligible entity that is a nonprofit organization, a veterans organization, or an organization described in subparagraph (A)(v)(II), gross receipts—

''(i) shall include proceeds from fundraising events, federated campaigns, gifts, donor-advised funds, and funds from similar sources; and

''(ii) shall not include—

''(I) Federal grants (excluding any loan forgiveness on loans received under paragraph (36) or this paragraph);

''(II) revenues from a supporting organization;

''(III) grants from private foundations that are disbursed over the course of more than 1 calendar year; or

''(IV) any contribution of property other than money, stocks, bonds, and other securities, provided that the non-cash contribution is not sold by the organization in a transaction unrelated to the tax-exempt purpose of the organization.

''(H) LOAN FORGIVENESS.—

''(i) IN GENERAL.—Except as otherwise provided in this subparagraph, an eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in the same manner as an eligible recipient with respect to a loan made under paragraph (36), as described in section 1106 of the CARES Act (15 U.S.C. 9005).

''(ii) FORGIVENESS AMOUNT.—An eligible entity shall be eligible for forgiveness of indebtedness on a covered loan in an amount equal to the sum of the following costs incurred or expenditures made during the covered period:

''(I) Payroll costs.

''(II) Any payment of interest on any covered mortgage obligation (which shall not include any prepayment of or payment of principal on a covered mortgage obligation).

''(III) Any covered operations expenditure.

''(IV) Any covered property damage cost.

''(V) Any payment on any covered rent obligation.

''(VI) Any covered utility payment.

''(VII) Any covered supplier cost.

''(VIII) Any covered worker protection expenditure.

''(iii) LIMITATION ON FORGIVENESS FOR ALL ELIGIBLE ENTITIES.—The forgiveness amount under this subparagraph shall be equal to the lesser of—

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

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

''(aa) the amount of the covered loan used for payroll costs during the covered period; and

''(bb) 0.60.

''(I) LENDER ELIGIBILITY.—Except as otherwise provided in this paragraph, a lender approved to make loans under paragraph (36) may make covered loans under the same terms and conditions as in paragraph (36).

''(J) REIMBURSEMENT FOR LOAN PROCESSING AND SERVICING.—The Administrator shall reimburse a lender authorized to make a covered loan in an amount that is—

''(i) 3 percent of the principal amount of the financing of the covered loan up to $350,000; and

''(ii) 1 percent of the principal amount of the financing of the covered loan above $350,000, if applicable.

''(K) SET ASIDE FOR SMALL ENTITIES.—Not less than $25,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made to eligible entities with not more than 10 employees as of February 15, 2020.

''(L) SET ASIDE FOR COMMUNITY FINANCIAL INSTITUTIONS, SMALL INSURED DEPOSITORY INSTITUTIONS, CREDIT UNIONS, AND FARM CREDIT SYSTEM INSTITUTIONS.—Not less than $10,000,000,000 of the total amount of covered loans guaranteed by the Administrator shall be made by—

''(i) community financial institutions;

''(ii) insured depository institutions with consolidated assets of less than $10,000,000,000;

''(iii) credit unions with consolidated assets of less than $10,000,000,000; and

''(iv) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than $10,000,000,000 (not including the Federal Agricultural Mortgage Corporation).

''(M) PUBLICATION OF GUIDANCE.—Not later than 10 days after the date of enactment of this paragraph, the Administrator shall issue guidance addressing barriers to accessing capital for minority, underserved, veteran, and women-owned business concerns for the purpose of ensuring equitable access to covered loans.

''(N) STANDARD OPERATING PROCEDURE.—The Administrator shall, to the maximum extent practicable, allow a lender approved to make covered loans to use existing program guidance and standard operating procedures for loans made under this subsection.

''(O) PROHIBITION ON USE OF PROCEEDS FOR LOBBYING ACTIVITIES.—None of the proceeds of a covered loan may be used for—

''(i) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

''(ii) lobbying expenditures related to a State or local election; or

''(iii) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.''.

(j) CONTINUED ACCESS TO THE PAYCHECK PROTECTION PROGRAM.—

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

(2) APPLICABILITY OF MAXIMUM LOAN AMOUNT CALCULATION.—

(A) DEFINITIONS.—In this paragraph, the terms ''covered loan'' and ''eligible recipient'' have the meanings given those terms in

section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(B) APPLICABILITY.—The amendment made by paragraph (1) shall apply only with respect to a covered loan applied for by an eligible recipient on or after the date of enactment of this Act.

(k) INCREASED ABILITY FOR PAYCHECK PROTECTION PROGRAM BORROWERS TO REQUEST AN INCREASE IN LOAN AMOUNT DUE TO UPDATED REGULATIONS.—

(1) DEFINITIONS.—In this subsection, the terms ''covered loan'' and ''eligible recipient'' have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(2) INCREASED AMOUNT.—Notwithstanding the interim final rule issued by the Administration entitled ''Business Loan Program Temporary Changes; Paycheck Protection Program—Loan Increases'' (85 Fed. Reg. 29842 (May 19, 2020)), an eligible recipient of a covered loan that is eligible for an increased covered loan amount as a result of any interim final rule that allows for covered loan increases may submit a request for an increase in the covered loan amount even if—

(A) the initial covered loan amount has been fully disbursed; or

(B) the lender of the initial covered loan has submitted to the Administration a Form 1502 report related to the covered loan.

(l) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS UNDER THE PAYCHECK PROTECTION PROGRAM.—

(1) IN GENERAL.—Section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), as amended by subsection (j) of this section, is amended—

(A) in subparagraph (E), in the matter preceding clause (i), by striking ''During'' and inserting ''Except as provided in subparagraph (T), during''; and

(B) by adding at the end the following:

''(T) CALCULATION OF MAXIMUM LOAN AMOUNT FOR FARMERS AND RANCHERS.—

''(i) DEFINITION.—In this subparagraph, the term 'covered recipient' means an eligible recipient that—

''(I) operates as a sole proprietorship or as an independent contractor, or is an eligible self-employed individual;

''(II) reports farm income or expenses on a Schedule F (or any equivalent successor schedule); and

''(III) was in business during the period beginning on February 15, 2019 and ending on June 30, 2019.

''(ii) NO EMPLOYEES.—With respect to covered recipient without employees, the maximum covered loan amount shall be the lesser of—

''(I) the sum of—

''(aa) the product obtained by multiplying—

''(AA) the gross income of the covered recipient in 2019, as reported on a Schedule F (or any equivalent successor schedule), that is not more than $100,000, divided by 12; and

''(BB) 2.5; and

''(bb) the outstanding amount of a loan under subsection (b)(2) that was made during the period beginning on January 31, 2020 and ending on April 3, 2020 that the borrower intends to refinance under the covered loan, not including any amount of any advance under the loan that is not required to be repaid; or

''(II) $2,000,000.

''(iii) WITH EMPLOYEES.—With respect to a covered recipient with employees, the maximum covered loan amount shall be calculated using the formula described in subparagraph (E), except that the gross income of the covered recipient described in clause (ii)(I)(aa)(AA) of this subparagraph, as divided by 12, shall be added to the sum calculated under subparagraph (E)(i)(I).

''(iv) RECALCULATION.—A lender that made a covered loan to a covered recipient before the date of enactment of this subparagraph may, at the request of the covered recipient—

''(I) recalculate the maximum loan amount applicable to that covered loan based on the formula described in clause (ii) or (iii), as applicable, if doing so would result in a larger covered loan amount; and

''(II) provide the covered recipient with additional covered loan amounts based on that recalculation.''.

(m) FARM CREDIT SYSTEM INSTITUTIONS.—

(1) DEFINITION OF FARM CREDIT SYSTEM INSTITUTION.—In this subsection, the term ''Farm Credit System institution''—

(A) means an institution of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.); and

(B) does not include the Federal Agricultural Mortgage Corporation.

(2) FACILITATION OF PARTICIPATION IN PPP AND SECOND DRAW LOANS.—

(A) APPLICABLE RULES.—Solely with respect to loans under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), Farm Credit Administration regulations and guidance issued as of July 14, 2020, and compliance with such regulations and guidance, shall be deemed functionally equivalent to requirements referenced in section 3(a)(iii)(II) of the interim final rule of the Administration entitled ''Business Loan Program Temporary Changes; Paycheck Protection Program'' (85 Fed. Reg. 20811 (April 15, 2020)) or any similar requirement referenced in that interim final rule in implementing such paragraph (37).

(B) APPLICABILITY OF CERTAIN LOAN REQUIREMENTS.—For purposes of making loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgiving those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37), sections 4.13, 4.14, and 4.14A of the Farm Credit Act of 1971 (12 U.S.C. 2199, 2202, 2202a) (including regulations issued under those sections) shall not apply.

(C) RISK WEIGHT.—

(i) IN GENERAL.—With respect to the application of Farm Credit Administration capital requirements, a loan described in clause (ii)—

(I) shall receive a risk weight of zero percent; and

(II) shall not be included in the calculation of any applicable leverage ratio or other applicable capital ratio or calculation.

(ii) LOANS DESCRIBED.—A loan referred to in clause (i) is—

(I) a loan made by a Farm Credit Bank described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) to a Federal Land Bank Association, a Production Credit Association, or an agricultural credit association described in that section to make loans under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) or forgive those loans in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) and subparagraph (H) of such paragraph (37); or

(II) a loan made by a Federal Land Bank Association, a Production Credit Association, an agricultural credit association, or the bank for cooperatives described in section 1.2(a) of the Farm Credit Act of 1971 (12 U.S.C. 2002(a)) under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)).

(D) RESERVATION OF LOAN GUARANTEES.—Section 7(a)(36)(S) of the Small Business Act (15 U.S.C. 636(a)(36)(S)) is amended—

(i) in clause (i)—

(I) in subclause (I), by striking ''and'' at the end;

(II) in subclause (II), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(III) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of not less than $10,000,000,000 and less than $50,000,000,000.''; and

(ii) in clause (ii)—

(I) in subclause (II), by striking ''and'' at the end;

(II) in subclause (III), by striking the period at the end and inserting ''; and''; and

(III) by adding at the end the following:

''(IV) institutions of the Farm Credit System chartered under the Farm Credit Act of 1971 (12 U.S.C. 2001 et seq.) with consolidated assets of less than $10,000,000,000.''.

(n) DEFINITION OF SEASONAL EMPLOYER.—

(1) PPP LOANS.—Section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)) is amended—

(A) in clause (xi), by striking ''and'' at the end;

(B) in clause (xii), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(xiii) the term 'seasonal employer' means an eligible recipient that—

''(I) does not operate for more than 7 months in any calendar year; or

''(II) during the preceding calendar year, had gross receipts for any 6 months of that year that were not more than 33.33 percent of the gross receipts of the employer for the other 6 months of that year.''.

(2) LOAN FORGIVENESS.—Paragraph (12) of section 1106(a) of the CARES Act (15 U.S.C. 9005(a)), as so redesignated by subsection (d)(2) of this section, is amended to read as follows:

''(12) the terms 'payroll costs' and 'seasonal employer' have the meanings given those terms in section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).''.

(o) ELIGIBILITY OF 501(C)(6) ORGANIZATIONS FOR LOANS UNDER THE PAYCHECK PROTECTION PROGRAM.—Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended—

(1) in clause (v), by inserting ''or whether an organization described in clause (vii) employs not more than 150 employees,'' after ''clause (i)(I),'';

(2) in clause (vi), by inserting '', an organization described in clause (vii),'' after ''nonprofit organization''; and

(3) by adding at the end the following:

''(vii) ELIGIBILITY FOR CERTAIN 501(C)(6) ORGANIZATIONS.—

''(I) IN GENERAL.—Except as provided in subclause (II), any organization that is described in section 501(c)(6) of the Internal Revenue Code and that is exempt from taxation under section 501(a) of such Code (excluding professional sports leagues and organizations with the purpose of promoting or participating in a political campaign or other activity) shall be eligible to receive a covered loan if—

''(aa) the organization does not receive more than 10 percent of its receipts from lobbying activities;

''(bb) the lobbying activities of the organization do not comprise more than 10 percent of the total activities of the organization; and

''(cc) the organization employs not more than 150 employees.

''(II) DESTINATION MARKETING ORGANIZATIONS.—Notwithstanding subclause (I), during the covered period, any destination marketing organization shall be eligible to receive a covered loan if—

''(aa) the destination marketing organization does not receive more than 10 percent of its receipts from lobbying activities;

''(bb) the lobbying activities of the destination marketing organization do not comprise more than 10 percent of the total activities of the organization;

''(cc) the destination marketing organization employs not more than 150 employees; and

''(dd) the destination marketing organization—

''(AA) is described in section 501(c) of the Internal Revenue Code and is exempt from taxation under section 501(a) of such Code; or

''(BB) is a quasi-governmental entity or is a political subdivision of a State or local government, including any instrumentality of those entities.''.

(p) PROHIBITION ON USE OF LOAN PROCEEDS FOR LOBBYING ACTIVITIES.—Section 7(a)(36)(F) of the Small Business Act (15 U.S.C. 636(a)(36)(F)) is amended by adding at the end the following:

''(vi) PROHIBITION.—None of the proceeds of a covered loan may be used for—

''(I) lobbying activities, as defined in section 3 of the Lobbying Disclosure Act of 1995 (2 U.S.C. 1602);

''(II) lobbying expenditures related to a State or local election; or

''(III) expenditures designed to influence the enactment of legislation, appropriations, regulation, administrative action, or Executive order proposed or pending before Congress or any State government, State legislature, or local legislature or legislative body.''.

(q) EFFECTIVE DATE; APPLICABILITY.—The amendments made to paragraph (36) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)) and title I of the CARES Act (Public Law 116–136) under this section shall be effective as if included in the CARES Act and shall apply to any loan made pursuant to section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)).

(r) BANKRUPTCY PROVISIONS.—

(1) IN GENERAL.—Section 364 of title 11, United States Code, is amended by adding at the end the following:

''(g)(1) The court, after notice and a hearing, may authorize a debtor in possession or a trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of this title to obtain a loan under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), and such loan shall be treated as a debt to the extent the loan is not forgiven in accordance with section 1106 of the CARES Act (15 U.S.C. 9005) or subparagraph (H) of such paragraph (37), as applicable, with priority equal to a claim of the kind specified in subsection (c)(1) of this section.

''(2) The trustee may incur debt described in paragraph (1) notwithstanding any provision in a contract, prior order authorizing the trustee to incur debt under this section, prior order authorizing the trustee to use cash collateral under section 363, or applicable law that prohibits the debtor from incurring additional debt.

''(3) The court shall hold a hearing within 7 days after the filing and service of the motion to obtain a loan described in paragraph (1).''.

(2) ALLOWANCE OF ADMINISTRATIVE EXPENSES.—Section 503(b) of title 11, United States Code, is amended—

(A) in paragraph (8)(B), by striking ''and'' at the end;

(B) in paragraph (9), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(10) any debt incurred under section 364(g)(1) of this title.''.

(3) CONFIRMATION OF PLAN FOR REORGANIZATION.—Section 1191 of title 11, United States Code, is amended by adding at the end the following:

''(f) SPECIAL PROVISION RELATED TO COVID–19 PANDEMIC.—Notwithstanding section 1129(a)(9)(A) of this title and subsection (e) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed under subsection (b) of this section if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(4) CONFIRMATION OF PLAN FOR FAMILY FARMERS AND FISHERMEN.—Section 1225 of title 11, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding section 1222(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(5) CONFIRMATION OF PLAN FOR INDIVIDUALS.—Section 1325 of title 11, United States Code, is amended by adding at the end the following:

''(d) Notwithstanding section 1322(a)(2) of this title and subsection (b)(1) of this section, a plan that provides for payment of a claim of a kind specified in section 503(b)(10) of this title may be confirmed if the plan proposes to make payments on account of such claim when due under the terms of the loan giving rise to such claim.''.

(6) EFFECTIVE DATE; SUNSET.—

(A) EFFECTIVE DATE.—The amendments made by paragraphs (1) through (5) shall—

(i) take effect on the date on which the Administrator submits to the Director of the Executive Office for United States Trustees a written determination that, subject to satisfying any other eligibility requirements, any debtor in possession or trustee that is authorized to operate the business of the debtor under section 1183, 1184, 1203, 1204, or 1304 of title 11, United States Code, would be eligible for a loan under paragraphs (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)); and

(ii) apply to any case pending on or commenced on or after the date described in clause (i).

(B) SUNSET.—

(i) IN GENERAL.—If the amendments made by this subsection take effect under subparagraph (A), effective on the date that is 2 years after the date of enactment of this Act—

(I) section 364 of title 11, United States Code, is amended by striking subsection (g);

(II) section 503(b) of title 11, United States Code, is amended—

(aa) in paragraph (8)(B), by adding ''and'' at the end;

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

(cc) by striking paragraph (10);

(III) section 1191 of title 11, United States Code, is amended by striking subsection (f);

(IV) section 1225 of title 11, United States Code, is amended by striking subsection (d); and

(V) section 1325 of title 11, United States Code, is amended by striking subsection (d).

(ii) APPLICABILITY.—Notwithstanding the amendments made by clause (i) of this subparagraph, if the amendments made by paragraphs (1), (2), (3), (4), and (5) take effect under subparagraph (A) of this paragraph, such amendments shall apply to any case under title 11, United States Code, commenced before the date that is 2 years after the date of enactment of this Act.

(s) OVERSIGHT.—

(1) COMPLIANCE WITH OVERSIGHT REQUIREMENTS.—

(A) IN GENERAL.—Except as provided in subparagraph (B), on and after the date of enactment of this Act, the Administrator shall comply with any data or information requests or inquiries made by the Comptroller General of the United States not later than 30 days (or such later date as the Comptroller General may specify) after receiving the request or inquiry.

(B) EXCEPTION.—If the Administrator is unable to comply with a request or inquiry described in subparagraph (A) within the 30-day period or, if applicable, later period described in that clause, the Administrator shall, during that 30-day (or later) period, submit to the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives a notification that includes a detailed justification for the inability of the Administrator to comply with the request or inquiry.

(2) TESTIMONY.—Not later than the date that is 30 days after the date of enactment of this Act, and every quarter thereafter until the date that is 2 years after the date of enactment of this Act, the Administrator and the Secretary of the Treasury shall testify before the Committee on Small Business and Entrepreneurship of the Senate and the Committee on Small Business of the House of Representatives regarding implementation of this section and the amendments made by this section.

(t) CONFLICTS OF INTEREST.—

(1) DEFINITIONS.—In this subsection:

(A) CONTROLLING INTEREST.—The term ''controlling interest'' means owning, controlling, or holding not less than 20 percent, by vote or value, of the outstanding amount of any class of equity interest in an entity.

(B) COVERED ENTITY.—

(i) DEFINITION.—The term ''covered entity'' means an entity in which a covered individual directly or indirectly holds a controlling interest.

(ii) TREATMENT OF SECURITIES.—For the purpose of determining whether an entity is a covered entity, the securities owned, controlled, or held by 2 or more individuals who are related as described in subparagraph (C)(ii) shall be aggregated.

(C) COVERED INDIVIDUAL.—The term ''covered individual'' means—

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

(ii) the spouse, child, son-in-law, or daughter-in-law, as determined under applicable common law, of an individual described in clause (i).

(D) EXECUTIVE DEPARTMENT.—The term ''Executive department'' has the meaning given the term in section 101 of title 5, United States Code.

(E) MEMBER OF CONGRESS.—The term ''Member of Congress'' means a Member of the Senate or House of Representatives, a Delegate to the House of Representatives, and the Resident Commissioner from Puerto Rico.

(F) EQUITY INTEREST.—The term ''equity interest'' means—

(i) a share in an entity, without regard to whether the share is—

(I) transferable; or

(II) classified as stock or anything similar;

(ii) a capital or profit interest in a limited liability company or partnership; or

(iii) a warrant or right, other than a right to convert, to purchase, sell, or subscribe to a share or interest described in clause (i) or (ii), respectively.

(2) REQUIREMENT.—The principal executive officer and the principal financial officer, or individuals performing similar functions, of an entity seeking to enter a transaction made under paragraph (36) or (37) of section

7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, shall, before that transaction is approved, disclose to the Administrator whether the entity is a covered entity.

(3) APPLICABILITY.—The requirement under paragraph (2)—

(A) shall apply with respect to any transaction made under paragraph (36) or (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as added and amended by this section, on or after the date of enactment of this Act; and

(B) shall not apply with respect to—

(i) any transaction described in subparagraph (A) that was made before the date of enactment of this Act; or

(ii) forgiveness under section 1106 of the CARES Act (15 U.S.C. 9005) or any other provision of law of any loan associated with any transaction described in subparagraph (A) that was made before the date of enactment of this Act.

(u) COMMITMENT AUTHORITY AND APPROPRIATIONS.—

(1) COMMITMENT AUTHORITY.—Section 1102(b) of the CARES Act (Public Law 116–136) is amended—

(A) in paragraph (1)—

(i) in the paragraph heading, by inserting ''AND SECOND DRAW'' after ''PPP'';

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

(iii) by striking ''paragraph (36)'' and inserting ''paragraphs (36) and (37)''; and

(iv) by striking ''$659,000,000,000'' and inserting ''$816,690,000,000''; and

(B) by amending paragraph (2) to read as follows:

''(2) OTHER 7(A) LOANS.—During fiscal year 2020, the amount authorized for commitments for section 7(a) of the Small Business Act (15 U.S.C. 636(a)) under the heading 'Small Business Administration—Business Loans Program Account' in the Financial Services and General Government Appropriations Act, 2020 (division C of Public Law 116–193) shall apply with respect to any commitments under such section 7(a) other than under paragraphs (36) and (37) of such section 7(a).''.

(2) DIRECT APPROPRIATIONS.—

(A) RESCISSION.—With respect to unobligated balances under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' as of the day before the date of enactment of this Act, $100,000,000,000 shall be rescinded and deposited into the general fund of the Treasury.

(B) NEW DIRECT APPROPRIATIONS FOR PPP LOANS, SECOND DRAW LOANS, AND THE MBDA.—

(i) PPP AND SECOND DRAW LOANS.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for the fiscal year ending September 30, 2020, to remain available until September 30, 2021, for additional amounts—

(I) $257,690,000,000 under the heading ''Small Business Administration—Business Loans Program Account, CARES Act'' for the cost of guaranteed loans as authorized under paragraph (36) and (37) of section 7(a) of the Small Business Act (15 U.S.C. 636(a)), as amended and added by this Act; and

(II) $10,000,000 under the heading under the heading ''Department of Commerce—Minority Business Development Agency'' for minority business centers of the Minority Business Development Agency to provide technical assistance to small business concerns.

(C) AVAILABILITY OF AMOUNTS APPROPRIATED FOR THE OFFICE OF INSPECTOR GENERAL.—Section 1107(a)(3) of the CARES Act (15 U.S.C. 9006(a)(3)) is amended by striking ''September 20, 2024'' and inserting ''expended''.

(v) EMERGENCY DESIGNATION.—

(1) IN GENERAL.—The amounts provided under this section are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(2) DESIGNATION IN SENATE.—In the Senate, this section is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 2509. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. TANF CORONAVIRUS EMERGENCY FUND.

(a) TEMPORARY FUND.—

(1) IN GENERAL.—Section 403 of the Social Security Act (42 U.S.C. 603) is amended by adding at the end the following:

''(c) TANF CORONAVIRUS EMERGENCY FUND.—

''(1) ESTABLISHMENT.—There is established in the Treasury of the United States a fund which shall be known as the 'Coronavirus Emergency Fund for State Temporary Assistance for Needy Families Programs' (in this subsection referred to as the 'TANF Coronavirus Emergency Fund').

''(2) DEPOSITS INTO FUND.—

''(A) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated for the period of fiscal years 2020 through 2021, $2,000,000,000 for payment to the TANF Coronavirus Emergency Fund.

''(B) USE OF FUNDS.—Subject to subparagraph (C), the amounts appropriated to the TANF Coronavirus Emergency Fund under subparagraph (A) shall be used to make grants to States in fiscal years 2020 and 2021 in accordance with the requirements of paragraph (3).

''(C) ADMINISTRATION.—The Secretary may reserve up to $4,000,000 of the amount appropriated for the period of fiscal years 2020 through 2021 under subparagraph (A) for expenses related to administering this subsection.

''(D) LIMITATION.—In no case may the Secretary make a grant from the TANF Coronavirus Emergency Fund for a fiscal year after fiscal year 2021.

''(3) GRANTS TO STATES FOR INCREASED EXPENDITURES FOR BASIC ASSISTANCE, NON-RECURRENT SHORT TERM BENEFITS, AND WORK SUPPORTS.—

''(A) IN GENERAL.—For each of the 3rd and 4th quarters of fiscal year 2020 and each quarter of fiscal year 2021, the Secretary shall make a grant from the TANF Coronavirus Emergency Fund to each State that—

''(i) requests a grant under this paragraph for the quarter; and

''(ii) meets the requirements of subparagraph (B) for the quarter.

''(B) INCREASED EXPENDITURES.—A State meets the requirements of this subparagraph for a quarter if—

''(i) the total amount expended by the State for the quarter under the State program funded under this part or any other State program funded with qualified State expenditures (as defined in section 409(a)(7)(B)(i)) for basic assistance, non-recurrent short-term benefits, and work supports for eligible families, exceeds

''(ii) the total amount expended by the State for the 1st quarter of fiscal year 2020 under the State program funded under this part or any other State program funded with qualified State expenditures (as so defined) for basic assistance, non-recurrent short-term benefits, and work supports for eligible families.

''(C) AMOUNT OF GRANT.—Subject to paragraph (4), the amount of the grant payable to a State under this paragraph for a quarter shall be the amount equal to 80 percent of the excess of the expenditures for the quarter described in clause (i) of subparagraph (B) over the expenditures for the 1st quarter of fiscal year 2020 described in clause (ii) of that subparagraph.

''(D) AUTHORITY TO MAKE NECESSARY ADJUSTMENTS TO DATA AND COLLECT NEEDED DATA.—In determining the expenditures of a State for basic assistance, non-recurrent short-term benefits, and work supports during any quarter for which the State requests funds under this subsection, and for the 1st quarter of fiscal year 2020, the Secretary may make appropriate adjustments to the data, on a State-by-State basis, to ensure that the data are comparable. The Secretary may develop a mechanism for collecting expenditure data, including procedures which allow States to make reasonable estimates, and may set deadlines for making revisions to the data.

''(E) AVAILABILITY OF FUNDS.— Funds paid to a State from a grant made for any quarter of fiscal year 2020 or 2021 shall remain available for use by the State through September 30, 2022.

''(4) GRANT LIMITED TO STATE PROPORTIONAL SHARE OF CHILDREN IN POVERTY.—

''(A) IN GENERAL.—With respect to a State, the aggregate amount of the grants payable to the State under paragraph (3) for the 3rd and 4th quarters of fiscal year 2020 and each quarter of fiscal year 2021 shall not exceed the State child poverty proportion amount determined for the State for fiscal year 2020 under subparagraph (B).

''(B) STATE CHILD POVERTY PROPORTION AMOUNT.—The State child poverty proportion amount determined under this subparagraph for a State for fiscal year 2020 is the product of—

''(i) $2,000,000,000; and

''(ii) the quotient of—

''(I) the number of children in families with income below the poverty line in the State (as determined under subparagraph (C)); and

''(II) the number of children in families with income below the poverty line in all States (as so determined).

''(C) DATA.—

''(i) IN GENERAL.—For purposes of subparagraph (B)(ii), subject to clause (ii) of this subparagraph, the number of children in families with income below the poverty line shall be determined based on the most recent data available from the Bureau of the Census.

''(ii) OTHER DATA.—The number of children in families with income below the poverty line in the case of—

''(I) Puerto Rico, the United States Virgin Islands, Guam, and American Samoa may be determined on the basis of the most recent data are available from the Bureau of the Census or such other poverty data as the Secretary determines appropriate); and

''(II) an Indian tribe, shall be determined in proportion to the tribal family assistance grant paid to the Indian tribe for fiscal year 2020.

''(5) DEFINITIONS.—In this subsection:

''(A) BASIC ASSISTANCE.—The term 'basic assistance' means assistance including cash,

payments, vouchers, and other forms of benefits designed to meet a family's ongoing basic needs as defined by the Secretary.

''(B) ELIGIBLE FAMILIES.—

''(i) IN GENERAL.—The term 'eligible family' means a family (including a family of one) that—

''(I) has 1 or more children who have not attained 18 years of age; and

''(II) is in need as a result of the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) as determined by the State in accordance with clause (ii).

''(ii) CRITERIA FOR NEED BASED ON COVID-19 PUBLIC HEALTH EMERGENCY.—A State shall define and publish on a publicly available website maintained by the State the criteria for determining a family is in need as a result of the public health emergency with respect to the Coronavirus Disease 2019 (COVID-19) and shall report such criteria to the Secretary. The Secretary shall publish all the State criteria reported under this clause on a publicly available website maintained by the Secretary.

''(C) NON-RECURRENT SHORT-TERM BENEFITS.—The term 'non-recurrent short-term benefits' means benefits intended to address a specific crisis or need as defined by the Secretary.

''(D) POVERTY LINE.—The term 'poverty line' means the income official poverty line, as defined by the Office of Management and Budget, and revised annually in accordance with section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)).

''(E) STATE.—The term 'State' has the meaning given that term in section 419(5) and includes Indian tribes, as defined in section 419(4).

''(F) WORK SUPPORTS.—The term 'work supports' means benefits provided to help families obtain, retain, or advance in employment as defined by the Secretary.''.

(2) REPEAL.—Effective October 1, 2021, subsection (c) of section 403 of the Social Security Act (42 U.S.C. 603) (as added by paragraph (1)) is repealed.

(b) DISREGARD FROM LIMITATION ON TOTAL PAYMENTS TO TERRITORIES.—

(1) IN GENERAL.—Section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by inserting ''403(c)(3),'' after ''403(a)(5),''.

(2) SUNSET.—Effective October 1, 2021, section 1108(a)(2) of the Social Security Act (42 U.S.C. 1308(a)(2)) is amended by striking ''403(c)(3),'' (as added by paragraph (1)).

SA 2510. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. ___. SUPPLEMENTAL EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

(a) IN GENERAL.—Section 903(i)(1)(B) of the Social Security Act (42 U.S.C. 1103(i)(1)(B)) is amended by striking ''one-half'' and inserting ''75 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

SA 2511. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—SUPPORTING PATIENTS, PROVIDERS, OLDER AMERICANS, AND FOSTER YOUTH IN RESPONDING TO COVID–19

Subtitle A—Promoting Access to Care and Services

SEC. 201. MAINTAINING 2021 MEDICARE PART B PREMIUM AND DEDUCTIBLE AT 2020 LEVELS CONSISTENT WITH ACTUARIALLY FAIR RATES.

(a) 2021 PREMIUM AND DEDUCTIBLE AND REPAYMENT THROUGH FUTURE PREMIUMS.—Section 1839(a) of the Social Security Act (42 U.S.C. 1395r(a)) is amended—

(1) in the second sentence of paragraph (1), by striking ''(5) and (6)'' and inserting ''(5), (6), and (7)'';

(2) in paragraph (6)(C)—

(A) in clause (i), by striking ''section 1844(d)(1)'' and inserting ''subsections (d)(1) and (e)(1) of section 1844''; and

(B) in clause (ii), by striking ''paragraph (5)'' and inserting ''paragraphs (5) and (7)''; and

(3) by adding at the end the following:

''(7) In applying this part (including subsection (i) and section 1833(b)), the monthly actuarial rate for enrollees age 65 and over for 2021 shall be the same as the monthly actuarial rate for enrollees age 65 and over for 2020.''.

(b) TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended—

(1) in subsection (a), by adding at the end the following new sentence: ''In applying paragraph (1), the amounts transferred under subsection (e)(1) with respect to enrollees described in subparagraphs (A) and (B) of such subsection shall be treated as premiums payable and deposited in the Trust Fund under subparagraphs (A) and (B), respectively, of paragraph (1).''; and

(2) by adding at the end the following:

''(e)(1) For 2021, there shall be transferred from the General Fund to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to the reduction in aggregate premiums payable under this part for a month in such year (excluding any changes in amounts collected under section 1839(i)) that are attributable to the application of section 1839(a)(7) with respect to—

''(A) enrollees age 65 and over; and

''(B) enrollees under age 65.

Such amounts shall be transferred from time to time as appropriate.

''(2) Premium increases affected under section 1839(a)(6) shall not be taken into account in applying subsection (a).

''(3) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the additional premiums payable as a result of the application of section 1839(a)(6), excluding the aggregate payments attributable to the application of section 1839(i)(3)(A)(ii)(II).''.

(c) ADDITIONAL TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w), as amended by subsection (b)(2), is amended by adding at the end the following:

''(f)(1) There shall be transferred from the General Fund of the Treasury to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to amounts paid under the advance payment program under section 421.214 of title 42, Code of Federal Regulations (or any successor regulation) during the period beginning on March 28, 2020, and ending on July 9, 2020.

''(2) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the sum of—

''(A) the amounts by which claims have offset (in whole or in part) the amount of such advance payments described in paragraph (1); and

''(B) the amount of such advance payments that has been repaid (in whole or in part), under the advance payment program under such section 421.214 (or any such successor regulation).

''(3) Amounts described in paragraphs (1) and (2) shall be transferred from time to time as appropriate.''.

(d) INDENTATION CORRECTION.—Section 1839(i)(3)(A)(ii) of the Social Security Act (42 U.S.C. 1395r(i)(3)(A)(ii)) is amended by moving the indentation of subclause (I) two ems to the right.

SEC. 202. IMPROVEMENTS TO THE MEDICARE HOSPITAL ACCELERATED AND ADVANCE PAYMENTS PROGRAMS DURING THE COVID–19 PUBLIC HEALTH EMERGENCY.

(a) PART A.—

(1) REPAYMENT PERIODS.—Section 1815(f)(2)(C) of the Social Security Act (42 U.S.C. 1395g(f)(2)(C)) is amended—

(A) in clause (i), by striking ''120 days'' and inserting ''270 days''; and

(B) in clause (ii), by striking ''12 months'' and inserting ''18 months''.

(2) AUTHORITY FOR DISCRETION.—Section 1815(f)(2)(A)(ii) of the Social Security Act (42 U.S.C. 1395g(f)(2)(A)(ii)) is amended by inserting ''(or, with respect to requests submitted to the Secretary on or after July 9, 2020, may)''after ''shall.''.

(b) PART B.—In carrying out the advance payments program described in section 421.214 of title 42, Code of Federal Regulations (or a successor regulation), the Secretary of Health and Human Services, in the case of a payment made under such program during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), upon request of the supplier receiving such payment, shall—

(1) provide up to 270 days before claims are offset to recoup the payment; and

(2) allow not less than 14 months from the date of the first advance payment before requiring that the outstanding balance be paid in full.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

(d) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

SEC. 203. AUTHORITY TO EXTEND MEDICARE TELEHEALTH WAIVERS.

(a) AUTHORITY.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended by adding at the end the following new paragraph:

''(9) AUTHORITY TO EXTEND TELEHEALTH WAIVERS AND POLICIES.—

''(A) AUTHORITY.—Notwithstanding the preceding provisions of this subsection and section 1135, subject to subparagraph (B), if the emergency period under section 1135(g)(1)(B) expires prior to December 31,

2021, the authority provided the Secretary under section 1135(b)(8) to waive or modify requirements with respect to a telehealth service, and modifications of policies with respect to telehealth services made by interim final rule applicable to such period, shall be extended through December 31, 2021.

''(B) NO REQUIREMENT TO EXTEND.— Nothing in subparagraph (A) shall require the Secretary to extend any specific waiver or modification or modifications of policies that the Secretary does not find appropriate for extension.

''(C) IMPLEMENTATION.—Notwithstanding any provision of law, the provisions of this paragraph may be implemented by interim final rule, program instructions or otherwise.''.

(b) MEDPAC EVALUATION AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Medicare Payment Advisory Commission (in this subsection referred to as the ''Commission'') shall conduct an evaluation of—

(i) the expansions of telehealth services under part B of title XVII of the Social Security Act related to the COVID-19 public health emergency described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b–5(g)(1)(B)); and

(ii) the appropriate treatment of such expansions after the expiration of such public health emergency.

(B) ANALYSIS.—The evaluation under subparagraph (A) shall include an analysis of each the following:

(i) Which, if any, of such expansions should be continued after the expiration of the such public health emergency,

(ii) Whether any such continued expansions should be limited to, or differentially applied to, clinicians participating in certain value-based payment models.

(iii) How Medicare should pay for telehealth services after the expiration of such public health emergency, and the implications of payment approaches on aggregate Medicare program spending,

(iv) Medicare program integrity and beneficiary safeguards that may be warranted with the coverage of telehealth services.

(v) The implications of expanded Medicare coverage of telehealth services for beneficiary access to care and the quality of care provided via telehealth.

(vi) Other areas determined appropriate by the Commission.

(2) REPORT.—Not later than June 15, 2021, the Commission shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Commission determines appropriate.

(c) HHS PROVISION OF INFORMATION AND STUDY AND REPORT.—

(1) PRE–COVID–19 PUBLIC HEALTH EMERGENCY TELEHEALTH AUTHORITY.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall make available on the internet website of the Centers for Medicare & Medicaid Services information describing the requirements applicable to telehealth services and other virtual services under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicare Advantage program under part C of such title prior to the waiver or modification of such requirements during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), as established by statute, regulation, and sub-regulatory guidance under such title.

(2) STUDY AND REPORT.—

(A) STUDY.—The Secretary shall conduct a study on the impact of telehealth and other virtual services furnished under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) during the emergency period described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b–5(g)(1)(B)). In conducting such study, the Secretary shall—

(i) assess the impact of such services on access to care, health outcomes, and spending by type of physician, practitioner, or other entity, and by patient demographics and other characteristics that include—

(I) age, gender, race, and type of eligibility for the Medicare program;

(II) dual eligibility for both the Medicare program and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(III) residing in an area of low-population density or a health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A))) ;

(IV) diagnoses, such as a diagnosis of COVID–19, a chronic condition, or a mental health disorder or substance use disorder;

(V) telecommunication modality used, including extent to which the services are furnished using audio-only technology;

(VI) residing in a State other than the State in which the furnishing physician, practitioner, or other entity is located; and

(VII) other characteristics and information determined appropriate by the Secretary; and

(ii) to the extent feasible, assess such impact based on—

(I) the type of technology used to furnish the service;

(II) the extent to which patient privacy is protected;

(III) the extent to which documented or suspected fraud or abuse occurred; and

(IV) patient satisfaction.

(B) USE OF INFORMATION.—The Secretary may use reliable non-governmental sources of information in assessing the impact of characteristics described in subparagraph (A) under the study.

(C) REPORT.—

(i) INTERIM PROVISION OF INFORMATION.—The Secretary shall, as determined appropriate, periodically during such emergency period, post on the internet website of the Centers for Medicare & Medicaid services data on utilization of telehealth and other virtual services under the Medicare program and the impact of characteristics described in subparagraph (A) on such utilization.

(ii) REPORT.—Not later than 15 months after date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SEC. 204. EXTENDING MEDICARE TELEHEALTH FLEXIBILITIES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) IN GENERAL.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (4)(C)—

(A) in clause (i), in the matter preceding subclause (I), by striking ''and (7)'' and inserting ''(7), and (8)''; and

(B) in clause (ii)(X), by inserting ''or paragraph (8)(A)(i)'' before the period; and

(2) in paragraph (8)—

(A) in the paragraph heading by inserting ''AND FOR AN ADDITIONAL PERIOD AFTER'' after ''DURING '';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting ''and the 5-year period beginning on the first day after the end of such emergency period'' after ''1135(g)(1)(B)'';

(ii) in clause (ii), by striking ''and'' at the end;

(iii) by redesignating clause (iii) as clause (iv); and

(iv) by inserting after clause (ii) the following new clause:

''(iii) the geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to such a telehealth service; and'';

(C) in subparagraph (B)(i)—

(i) in the first sentence, by inserting ''and the 5-year period beginning on the first day after the end of such emergency period'' before the period; and

(ii) in the third sentence, by striking ''program instruction or otherwise'' and inserting ''interim final rule, program instruction, or otherwise''; and

(D) by adding at the end the following new subparagraph:

''(C) REQUIREMENT DURING ADDITIONAL PERIOD.—

''(i) IN GENERAL.—During the 5-year period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B), payment may only be made under this paragraph for a telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual if such service is furnished by a qualified provider (as defined in clause (ii)).

''(ii) DEFINITION OF QUALIFIED PROVIDER.—For purposes of this subparagraph, the term 'qualified provider' means, with respect to a telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual, a Federally qualified health center or rural health clinic that furnished to such individual, during the 3-year period ending on the date the telehealth service was furnished, an item or service in person for which—

''(I) payment was made under this title; or

''(II) such payment would have been made if such individual were entitled to, or enrolled for, benefits under this title at the time such item or service was furnished.''.

(b) EFFECTIVE DATE.—The amendments made by this section (other than the amendment made by subsection (a)(2)(D)) shall take effect as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

SEC. 205. TEMPORARY CARRYOVER FOR HEALTH AND DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENTS.

(a) INCREASE IN CARRYOVER FOR HEALTH FLEXIBLE SPENDING ARRANGEMENTS.—A plan or other arrangement that otherwise satisfies all of the applicable requirements of sections 106 and 125 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or health flexible spending arrangement merely because such plan or arrangement permits participants to carry over an amount not in excess of $2,750 of unused benefits or contributions remaining in a health flexible spending arrangement from the plan year ending in 2020 to the plan year ending in 2021.

(b) CARRYOVER FOR DEPENDENT CARE FLEXIBLE SPENDING ARRANGEMENTS.—A plan or other arrangement that otherwise satisfies all applicable requirements of sections 106, 125, and 129 of the Internal Revenue Code of 1986 (including any rules or regulations thereunder) shall not fail to be treated as a cafeteria plan or dependent care flexible spending arrangement merely because such plan or arrangement permits participants to carry over (under rules similar to the rules applicable to health flexible spending arrangements) an amount, not in excess of the amount in effect under section 129(a)(2)(A) of

such Code, of unused benefits or contributions remaining in a dependent care flexible spending arrangement from the plan year ending in 2020 to the plan year ending in 2021.

(c) RETROACTIVE APPLICATION.—An employer shall be permitted to amend its cafeteria plan to effectuate the carry over allowed under subsection (a) or (b), provided that such amendment—

(1) is adopted not later than the last day of the plan year ending in 2020; and

(2) provides that the carry over allowed under subsection (a) or (b) shall be in effect as of the first day of the plan year ending in 2020.

(d) DEFINITIONS.—Any term used in this section which is also used in section 106, 125, or 129 of the Internal Revenue Code of 1986 or the rules or regulations thereunder shall have the same meaning as when used in such section or rules or regulations.

SEC. 206. ON-SITE EMPLOYEE CLINICS.

(a) IN GENERAL.—Paragraph (1) of section 223(c) of the Internal Revenue Code of 1986 is amended by adding at the end the following new subparagraph:

''(D) SPECIAL RULE FOR QUALIFIED ITEMS AND SERVICES.—

''(i) IN GENERAL.—For purposes of subparagraph (A)(ii), an individual shall not be treated as covered under a health plan described in subclauses (I) and (II) of such subparagraph merely because the individual is eligible to receive, or receives, qualified items and services—

''(I) at a healthcare facility located at a facility owned or leased by the employer of the individual (or of the individual's spouse), or

''(II) at a healthcare facility operated primarily for the benefit of employees of the employer of the individual (or of the individual's spouse).

''(ii) QUALIFIED ITEMS AND SERVICES DEFINED.—For purposes of this subparagraph, the term 'qualified items and services' means the following:

''(I) Physical examination.

''(II) Immunizations, including injections of antigens provided by employees.

''(III) Drugs or biologicals other than a prescribed drug (as such term is defined in section 213(d)(3)).

''(IV) Treatment for injuries occurring in the course of employment.

''(V) Preventive care for chronic conditions (as defined in clause (iv)).

''(VI) Management of chronic conditions or diseases.

''(VII) Drug testing.

''(VIII) Hearing or vision screenings and related services.

''(IX) Testing, vaccines, or treatments for the virus SARS–CoV–2 or coronavirus disease 2019 (COVID–19).

''(iii) AGGREGATION.—For purposes of clause (i), all persons treated as a single employer under subsection (b), (c), (m), or (o) of section 414 shall be treated as a single employer.

''(iv) PREVENTIVE CARE FOR CHRONIC CONDITIONS.—For purposes of this subparagraph, the term 'preventive care for chronic conditions' means any item or service specified in the Appendix of Internal Revenue Service Notice 2019-45 which is prescribed to treat an individual diagnosed with the associated chronic condition specified in such Appendix for the purpose of preventing the exacerbation of such chronic condition or the development of a secondary condition, including any amendment, addition, removal, or other modification made by the Secretary (pursuant to the authority granted to the Secretary under paragraph (2)(C)) to the items or services specified in such Appendix subsequent to the date of enactment of this subparagraph.

''(v) TERMINATION.—This subparagraph shall not apply to any taxable year beginning after December 31, 2021.''.

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

SEC. 207. SUPPORT FOR OLDER FOSTER YOUTH.

(a) FUNDING INCREASES.—The dollar amount specified in section 477(h)(1) of the Social Security Act (42 U.S.C. 677(h)(1)) for fiscal year 2020 is deemed to be $193,000,000.

(b) PROGRAMMATIC FLEXIBILITY.—During the COVID–19 public health emergency:

(1) SUSPENSION OF CERTAIN REQUIREMENTS UNDER THE EDUCATION AND TRAINING VOUCHER PROGRAM.—The Secretary may allow a State to waive the applicability of the requirement in section 477(i)(3) of the Social Security Act (42 U.S.C. 677(i)(3)) that a youth must be enrolled in a postsecondary education or training program or making satisfactory progress toward completion of that program if a youth is unable to meet these requirements due to the public health emergency.

(2) AUTHORITY TO WAIVE LIMITATIONS ON PERCENTAGE OF FUNDS USED FOR HOUSING ASSISTANCE AND ELIGIBILITY FOR SUCH ASSISTANCE.—Notwithstanding subsections (b)(3)(B) and (b)(3)(C) of section 477 of the Social Security Act (42 U.S.C. 677), a State may—

(A) use more than 30 percent of the amounts paid to the State from its allotment under subsection (c) of such section for a fiscal year for room or board payments; and

(B) expend amounts paid to the State from its allotment under subsection (c) of such section for a fiscal year for room or board for youth who have attained age 18, are no longer in foster care or otherwise eligible for services under such section, and experienced foster care at 14 years of age or older.

(c) SPECIAL RULES.—

(1) NONAPPLICATION OF MATCHING FUNDS REQUIREMENT FOR INCREASED FUNDING.—With respect to the amount allotted to a State under section 477(c)(1) of the Social Security Act (42 U.S.C. 677(c)(1)) for fiscal year 2020, the Secretary shall apply section 474(a)(4)(A)(i) of such Act (42 U.S.C. 674(a)(4)(A)(i)) to the additional amount of such allotment resulting from the deemed increase in the dollar amount specified in section 477(h)(1) of such Act (42 U.S.C. 677(h)(1)) for fiscal year 2020 under subsection (a) by substituting ''100 percent'' for ''80 percent''.

(2) NO RESERVATION FOR EVALUATION, TECHNICAL ASSISTANCE, PERFORMANCE MEASUREMENT, AND DATA COLLECTION ACTIVITIES.—Section 477(g)(2) of such Act (42 U.S.C. 677(g)(2)) shall not apply to the portion of the deemed dollar amount for section 477(h)(1) of such Act (42 U.S.C. 677(h)(1)) for fiscal year 2020 under subsection (a) that exceeds the dollar amount specified in that section for such fiscal year.

(d) DEFINITIONS.—In this section:

(1) COVID–19 PUBLIC HEALTH EMERGENCY.—The term ''COVID–19 public health emergency'' means the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled ''Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus'' and includes any renewal of such declaration pursuant to such section 319.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

SEC. 208. COURT IMPROVEMENT PROGRAM.

(a) TEMPORARY FUNDING INCREASES.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary, $10,000,000 for fiscal year 2020 for making grants in accordance with this section to the highest State courts described in section 438 of the Social Security Act (42 U.S.C. 629h). Grants made under this section shall be considered to be Court Improvement Program grants made under such section 438, subject to the succeeding provisions of this section.

(b) DISTRIBUTION OF FUNDS.—

(1) IN GENERAL.—From the amount appropriated under subsection (a), the Secretary shall—

(A) reserve up to $500,000 for Tribal court improvement activities; and

(B) pay from the amount remaining after the application of subparagraph (A), a grant to each highest State court that is approved to receive a grant under section 438 of the Social Security Act for the purpose described in subsection (a)(3) of that section for fiscal year 2020 .

(2) AMOUNT.—The amount of the grant awarded to a highest State court under this section is equal to the sum of—

(A) $85,000; and

(B) the amount that bears the same ratio to the amount appropriated under subsection (a) that remains after the application of paragraph (1)(A) and subparagraph (A) of this paragraph, as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States (based on the most recent year for which data are available from the Bureau of the Census).

(3) OTHER RULES.—

(A) IN GENERAL.—The grants awarded to the highest State courts under this section shall be in addition to any grants made to such courts under section 438 of such Act for any fiscal year.

(B) NO MATCHING REQUIREMENT.—The limitation on the use of funds specified in section 438(d) of such Act (42 U.S.C. 629h(d)) shall not apply to the grants awarded under this section.

(C) NO ADDITIONAL APPLICATION.—The Secretary shall award grants to the highest State courts under this section without requiring such courts to submit an additional application.

(D) REPORTS.—The Secretary may establish reporting criteria specific to the grants awarded under this section.

(E) REDISTRIBUTION OF FUNDS.—If a highest State court does not accept a grant awarded under this section, or does not agree to comply with any reporting requirements imposed under subparagraph (D) or the use of funds requirements specified in subsection (c), the Secretary shall redistribute the grant funds that would have been awarded to that court among the other highest State courts that are awarded grants under this section and agree to comply with such reporting and use of funds requirements.

(c) USE OF FUNDS.—A highest State court awarded a grant under this section shall use the grant funds to address needs stemming from the COVID–19 public health emergency, which may include any of the following:

(1) Technology investments to facilitate the transition to remote hearings for dependency courts when necessary as a direct result of the COVID–19 public health emergency.

(2) Training for judges, attorneys, and caseworkers on facilitating and participating in remote technology hearings that still comply with due process, meet Congressionally mandated requirements, ensure child safety and well-being, and help inform judicial decision-making.

(3) Programs to help families address aspects of the case plan to avoid delays in legal proceedings that would occur as a direct result of the COVID–19 public health emergency.

(4) Other purposes to assist courts, court personnel, or related staff related to the COVID–19 public health emergency.

(d) DEFINITIONS.—In this section:

(1) COVID–19 PUBLIC HEALTH EMERGENCY.—The term ''COVID–19 public health emergency'' means the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, entitled ''Determination that a Public Health Emergency Exists Nationwide as the Result of the 2019 Novel Coronavirus'' and includes any renewal of such declaration pursuant to such section 319.

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

Subtitle B—Emergency Support and COVID–19 Protection for Nursing Homes

SEC. 211. DEFINITIONS.

In this subtitle:

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

(2) COVID–19 PUBLIC HEALTH EMERGENCY PERIOD.—The term ''COVID–19 public health emergency period'' means the period beginning on the first day of the emergency period defined in paragraph (1)(B) of section 1135(g) of the Social Security Act (42 U.S.C. 1320b-5(g)) and ending on the last day of the calendar quarter in which the last day of such emergency period occurs.

(3) NURSING FACILITY.—The term ''nursing facility'' has the meaning given that term in section 1919(a) of the Social Security Act (42 U.S.C. 1396r(a)).

(4) PARTICIPATING PROVIDER.—The term ''participating provider'' means a skilled nursing facility or a nursing facility that has been assigned a national provider identifier number by the Secretary and has executed an agreement to participate in the Medicare program established under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) or the Medicaid program established under title XIX of such Act (42 U.S.C. 1396 et seq.).

(5) SECRETARY.—The term ''Secretary'' means the Secretary of Health and Human Services.

(6) SKILLED NURSING FACILITY.—The term ''skilled nursing facility'' has the meaning given that term in section 1819(a) of the Social Security Act (42 U.S.C. 1395i–3(a)).

(7) STATE.—Except as otherwise provided, the term ''State'' has the meaning given such term for purposes of title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

SEC. 212. ESTABLISHING COVID–19 STRIKE TEAMS FOR NURSING FACILITIES.

(a) IN GENERAL.—The Secretary is authorized to establish and support the operation of strike teams comprised of individuals with relevant skills, qualifications, and experience to respond to COVID–19-related crises in participating providers during the COVID–19 public health emergency period, based on data reported by such providers to the Centers for Disease Control and Prevention.

(b) MISSION AND COMPOSITION OF STRIKE TEAMS.—

(1) IN GENERAL.—Strike teams established by the Secretary may include assessment, testing, and clinical teams, and a mission for each such team may include performing medical examinations, conducting COVID–19 testing, and assisting participating providers with the implementation of infection control practices (such as quarantine, isolation, or disinfection procedures).

(2) LETTER OF AUTHORIZATION.—Strike teams and members of such teams shall be subject to the Secretary's oversight and direction and the Secretary may issue a letter of authorization to team members describing—

(A) the individual's designation to serve on 1 or more teams under an emergency proclamation by the Secretary;

(B) the mission of the team;

(C) the authority of the individual to perform the team mission;

(D) the individual's authority to access places, persons, and materials necessary for the team member's performance of the team's mission;

(E) the requirement that team members maintain the confidentiality of patient information shared with such individuals by a participating provider; and

(F) the required security background checks that the individual has passed.

(3) SECRETARIAL OVERSIGHT.—The Secretary may, at any time, disband any strike team and rescind the letter of authorization for any team member.

(4) TEAM AND MEMBER AUTHORITY.—A team and team member may not use the letter of authorization described in paragraph (2) for any purpose except in connection with the team's mission of acting in good faith to promote resident and employee safety in participating providers in which COVID–19 is confirmed to be present.

(5) ADMINISTRATION.—The Secretary, in consultation with the Director of the Centers for Disease Control and Prevention, may establish protocols and procedures for requesting the assistance of a strike team established under this section and any other procedures deemed necessary for the team's operation.

(6) SUPPLEMENTATION OF OTHER RESPONSE EFFORTS.—Strike teams established by the Secretary under this section shall supplement and not supplant response efforts carried out by a State strike team or a technical assistance team established by the Secretary during the COVID-19 public health emergency period

SEC. 213. PROMOTING COVID–19 TESTING AND INFECTION CONTROL IN NURSING FACILITIES.

(a) NURSING HOME PROTECTIONS.—The Secretary, in consultation with the Elder Justice Coordinating Council, is authorized during the COVID–19 public health emergency period to enhance efforts by participating providers to respond to COVID–19, including through—

(1) development of online training courses for personnel of participating providers, survey agencies, the long-term care ombudsman of each State, and other individuals to facilitate the implementation of subsection (b);

(2) enhanced diagnostic testing of visitors to, personnel of, and residents of, participating providers in which measures of COVID–19 in the community support more frequent testing for COVID–19;

(3) development of training materials for personnel of participating providers, the long-term care ombudsman of each State, and other individuals to facilitate the implementation of subsection (c); and

(4) providing support to participating providers in areas deemed by the Secretary to require additional assistance due to the presence COVID–19 infections.

(b) TRAINING ON BEST PRACTICES IN INFECTION CONTROL AND PREVENTION.—

(1) IN GENERAL.—The Secretary shall develop training courses on infection control and prevention, including cohorting, strategies and use of telehealth to mitigate the transmission of COVID–19 in participating providers during the COVID–19 public health emergency period.

(2) DEVELOPMENT.—To the extent practicable, the training programs developed by the Secretary under this subsection shall use best practices in infection control and prevention.

(3) COORDINATION WITH OTHER FEDERAL ENTITIES.—The Secretary shall seek input as appropriate on the training courses developed under this subsection from the Elder Justice Coordinating Council and the Director of the Centers for Disease Control and Prevention.

(4) INTERACTIVE WEBSITE.—The Secretary is authorized to create an interactive website to disseminate training materials and related information in the areas of infection control and prevention, for purposes of carrying out this subsection during the COVID–19 public health emergency period.

SEC. 214. PROMOTING TRANSPARENCY IN COVID–19 REPORTING BY NURSING FACILITIES.

Not later than 10 days after the date of enactment of this Act, and at least weekly thereafter during the COVID-19 public health emergency period, the Secretary shall provide the Governor of each State with a list of all participating providers in the State with respect to which the reported cases of COVID–19 in visitors to, personnel of, and residents of, such providers increased during the previous week (or, in the case of the first such list, during the 10-day period beginning on the date of enactment of this Act).

SEC. 215. FUNDING.

The Secretary may use amounts appropriated for COVID–19 response and related activities pursuant to the CARES Act (Public Law 116–136) and subsequently enacted legislation to carry out this subtitle.

SA 2512. Mr. MORAN (for himself and Mr. BLUMENTHAL) proposed an amendment to the bill S. 2330, to amend the Ted Stevens Olympic and Amateur Sports Act to provide for congressional oversight of the board of directors of the United States Olympic and Paralympic Committee and to protect amateur athletes from emotional, physical, and sexual abuse, and for other purposes; as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Empowering Olympic, Paralympic, and Amateur Athletes Act of 2020''.

SEC. 2. FINDINGS.

Congress makes the following findings:

SA 2513. Mr. CASSIDY (for himself, Mr. DAINES, Mr. ROMNEY, and Mr. RUBIO) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. SUPPLEMENTARY 2020 RECOVERY REBATES FOR INDIVIDUALS.

(a) IN GENERAL.—Subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after section 6428 the following new section:

''SEC. 6428A. SUPPLEMENTARY 2020 RECOVERY REBATES FOR INDIVIDUALS.

''(a) IN GENERAL.—In addition to the credit allowed under section 6428, in the case of an eligible individual, there shall be allowed as a credit against the tax imposed by subtitle A for the first taxable year beginning in 2020 an amount equal to the sum of—

''(1) $1,000 ($2,000 in the case of eligible individuals filing a joint return), plus

''(2) an amount equal to the product of $1,000 multiplied by the number of dependents (as defined in section 152(a)) of the taxpayer.

''(b) TREATMENT OF CREDIT.—The credit allowed by subsection (a) shall be treated as allowed by subpart C of part IV of subchapter A of chapter 1.

''(c) LIMITATION BASED ON ADJUSTED GROSS INCOME.—The amount of the credit allowed by subsection (a) (determined without regard to this subsection and subsection (e)) shall be reduced (but not below zero) by 5 percent of so much of the taxpayer's adjusted gross income as exceeds—

''(1) $150,000 in the case of a joint return,

''(2) $112,500 in the case of a head of household, and

''(3) $75,000 in the case of a taxpayer not described in paragraph (1) or (2).

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

''(1) any nonresident alien individual,

''(2) any individual with respect to whom a deduction under section 151 is allowable to another taxpayer for a taxable year beginning in the calendar year in which the individual's taxable year begins, and

''(3) an estate or trust.

''(e) COORDINATION WITH ADVANCE REFUNDS OF CREDIT.—

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

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

''(f) ADVANCE REFUNDS AND CREDITS.—

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

''(2) ADVANCE REFUND AMOUNT.—For purposes of paragraph (1), the advance refund amount is the amount that would have been allowed as a credit under this section for such taxable year if this section (other than subsection (e) and this subsection) had applied to such taxable year.

''(3) TIMING AND MANNER OF PAYMENTS.—

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

''(B) DELIVERY OF PAYMENTS.—Notwithstanding any other provision of law, the Secretary may certify and disburse refunds payable under this subsection electronically to any account to which the payee authorized, on or after January 1, 2018, the delivery of a refund of taxes under this title or of a Federal payment (as defined in section 3332 of title 31, United States Code).

''(C) WAIVER OF CERTAIN RULES.—Notwithstanding section 3325 of title 31, United States Code, or any other provision of law, with respect to any payment of a refund under this subsection, a disbursing official in the executive branch of the United States Government may modify payment information received from an officer or employee described in section 3325(a)(1)(B) of such title for the purpose of facilitating the accurate and efficient delivery of such payment. Except in cases of fraud or reckless neglect, no liability under sections 3325, 3527, 3528, or 3529 of title 31, United States Code, shall be imposed with respect to payments made under this subparagraph.

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

''(5) ALTERNATE TAXABLE YEAR.—In the case of an individual who, at the time of any determination made pursuant to paragraph (3), has not filed a tax return for the year described in paragraph (1), the Secretary may—

''(A) apply such paragraph by substituting '2018' for '2019', and

''(B) if the individual has not filed a tax return for such individual's first taxable year beginning in 2018, use information with respect to such individual for calendar year 2019 provided in—

''(i) Form SSA–1099, Social Security Benefit Statement, or

''(ii) Form RRB–1099, Social Security Equivalent Benefit Statement.

''(6) NOTICE TO TAXPAYER.—Not later than 15 days after the date on which the Secretary distributed any payment to an eligible taxpayer pursuant to this subsection, notice shall be sent by mail to such taxpayer's last known address. Such notice shall indicate the method by which such payment was made, the amount of such payment, and a phone number for the appropriate point of contact at the Internal Revenue Service to report any failure to receive such payment.

''(g) IDENTIFICATION NUMBER REQUIREMENT.—

''(1) IN GENERAL.—In the case of any taxpayer who does not include the valid identification number of such taxpayer on the return of tax for the taxable year, subsection (a)(1) shall be applied by substituting '$0' for '$1,000'.

''(2) JOINT RETURNS.—In the case of a joint return—

''(A) if the valid identification number of only 1 spouse is included on the return of tax for the taxable year—

''(i) subsection (a)(1) shall be applied by substituting '$1,000' for '$2,000', and

''(ii) subsection (c)(1) shall be applied by substituting '$75,000' for '$150,000', or

''(B) if the valid identification number of neither spouse is included on the return of tax for the taxable year, subsection (a)(1) shall be applied by substituting '$0' for '$2,000'.

''(3) DEPENDENT.—A dependent of a taxpayer shall not be taken into account under subsection (a)(2) unless—

''(A) the taxpayer includes the valid identification number of such taxpayer (or, in the case of a joint return, the valid identification number of at least 1 spouse) on the return of tax for the taxable year, and

''(B) the valid identification number of such dependent is included on the return of tax for the taxable year.

''(4) VALID IDENTIFICATION NUMBER.—

''(A) IN GENERAL.—For purposes of this subsection, the term 'valid identification number' means a social security number (as such term is defined in section 24(h)(7)).

''(B) ADOPTION TAXPAYER IDENTIFICATION NUMBER.—For purposes of paragraph (3)(B), in the case of a dependent who is adopted or placed for adoption, the term 'valid identification number' shall include the adoption taxpayer identification number of such dependent.

''(5) SPECIAL RULE FOR MEMBERS OF THE ARMED FORCES.—Paragraph (2) shall not apply in the case where at least 1 spouse was a member of the Armed Forces of the United States at any time during the taxable year and the valid identification number of at least 1 spouse is included on the return of tax for the taxable year.

''(6) MATHEMATICAL OR CLERICAL ERROR AUTHORITY.—Any omission of a correct valid identification number required under this subsection shall be treated as a mathematical or clerical error for purposes of applying section 6213(g)(2) to such omission.

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

(b) DEFINITION OF DEFICIENCY.—Section 6211(b)(4)(A) of the Internal Revenue Code of 1986 is amended by striking ''and 6428'' and inserting ''6428, and 6428A''.

(c) TREATMENT OF POSSESSIONS.—Rules similar to the rules of subsection (c) of section 2201 of the CARES Act (Public Law 116-136) shall apply for purposes of this section.

(d) EXCEPTION FROM REDUCTION OR OFFSET.—Any credit or refund allowed or made to any individual by reason of section 6428A of the Internal Revenue Code of 1986 (as added by this section) or by reason of subsection (c) of this section shall not be—

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

(2) subject to reduction or offset pursuant to subsection (d), (e), or (f) of section 6402 of the Internal Revenue Code of 1986, or

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

(e) PUBLIC AWARENESS CAMPAIGN.—The Secretary of the Treasury (or the Secretary's delegate) shall conduct a public awareness campaign, in coordination with the Commissioner of Social Security and the heads of other relevant Federal agencies, to provide information regarding the availability of the credit and rebate allowed under section 6428A of the Internal Revenue Code of 1986 (as added by this section), including information with respect to individuals who may not have filed a tax return for taxable year 2018 or 2019.

(f) CONFORMING AMENDMENTS.—

(1) Paragraph (2) of section 1324(b) of title 31, United States Code, is amended by inserting ''6428A,'' after ''6428,''.

(2) The table of sections for subchapter B of chapter 65 of subtitle F of the Internal Revenue Code of 1986 is amended by inserting after the item relating to section 6428 the following:

''Sec. 6428A. Supplementary 2020 Recovery Rebates for individuals.''.

SA 2514. Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. PROHIBITION ON USE OF COVID–19 RELIEF FUNDS TO PURCHASE GOODS OR SERVICES FROM COMMUNIST CHINESE MILITARY COMPANIES.

(a) IN GENERAL.—None of the funds described in subsection (b) may be obligated or expended to purchase goods or services from a person on the list required by section

1237(b) of the Strom Thurmond National Defense Authorization Act for Fiscal Year 1999 (Public Law 105–261; 50 U.S.C. 1701 note).

(b) FUNDS DESCRIBED.—Funds described in this subsection are—

(1) funds made available under this Act;

(2) funds made available, and available for obligation as of the date of the enactment of this Act, under—

(A) the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123; 134 Stat. 146);

(B) the Families First Coronavirus Response Act (Public Law 116–127; 134 Stat. 177);

(C) the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136); or

(D) the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620); or

(3) funds made available under any Act enacted after the date of the enactment of this Act to provide additional funding relating to the COVID–19 pandemic.

(c) APPLICATION TO PRIVATE ENTITIES AND STATE AND LOCAL GOVERNMENTS.—

(1) IN GENERAL.—The prohibition under subsection (a) includes a prohibition on the obligation or expenditure of funds described in subsection (b) for the purchase of goods or services from persons described in subsection (a) by a private entity or a State or local government that received such funds through a grant or any other means.

(2) CERTIFICATION REQUIRED TO RECEIVE FUTURE FUNDS.—On and after the date of the enactment of this Act, the head of an executive agency may not provide funds described in subsection (b) to a private entity or a State or local government unless the entity or government certifies that the entity or government, as the case may be, is not purchasing goods or services from a person described in subsection (a).

(d) EXECUTIVE AGENCY DEFINED.—In this section, the term ''executive agency'' has the meaning given that term in section 133 of title 41, United States Code.

SA 2515. Ms. MCSALLY (for herself, Mr. DAINES, Mr. CORNYN, and Mr. SULLIVAN) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—Continuous Health Coverage for Workers

SEC. 201. SHORT TITLE.

This subtitle may be cited as the ''Continuous Health Coverage for Workers Act''.

SEC. 202. PRESERVING HEALTH BENEFITS FOR WORKERS.

(a) PROVISION OF PREMIUM ASSISTANCE.—

(1) REDUCTION OF PREMIUMS PAYABLE.—

(A) COBRA CONTINUATION COVERAGE.—In the case of any premium for a period of coverage during the period beginning on the first day of the first month that begins after the date of enactment of this Act and ending on December 31, 2020, for COBRA continuation coverage with respect to any assistance eligible individual described in subsection (c)(1), such individual shall be treated for purposes of any COBRA continuation provision as having paid the amount of such premium if such individual pays (and any person other than such individual's employer pays on behalf of such individual) the greater of 15 percent of the amount of such premium owed by such individual (as determined without regard to this subsection) or the amount of the premium that a similarly situated individual enrolled in the plan who is not an assistance eligible individual is (or would be, if so enrolled) required to pay with respect to the plan (after any employer contribution).

(B) CHURCH PLANS.—In the case of any premium for a period of coverage during the period beginning on the first day of the first month that begins after the date of enactment of this Act and ending on December 31, 2020, for coverage under a church plan with respect to any assistance eligible individual described in subsection (c)(2), such individual shall be treated for purposes of the individual's coverage under such plan as having paid the amount of such premium if such individual pays (and any person other than such individual's employer pays on behalf of such individual) the greater of 15 percent of the amount of such premium owed by such individual (as determined without regard to this subsection) or the amount of the premium that a similarly situated individual enrolled in the plan who is not an assistance eligible individual is (or would be, if so enrolled) required to pay with respect to the plan (after any employer contribution).

(C) FURLOUGHED CONTINUATION COVERAGE.—In the case of any premium for a period of coverage during the period beginning on the first day of the first month that begins after the date of enactment of this Act and ending on December 31, 2020, for coverage under a group health plan with respect to any assistance eligible individual described in subsection (c)(3), such individual shall be treated for purposes of the individual's coverage under such plan as having paid the amount of such premium if such individual pays (and any person other than such individual's employer pays on behalf of such individual) the greater of 15 percent of the amount of such premium owed by such individual (as determined without regard to this subsection) or the amount of the premium that a similarly situated individual enrolled in the plan who is not an assistance eligible individual is (or would be, if so enrolled) required to pay with respect to the plan (after any employer contribution).

(2) PLAN ENROLLMENT OPTION.—

(A) IN GENERAL.—Any assistance eligible individual who is enrolled in a group health plan offered by a plan sponsor may, not later than 90 days after the date of notice of the plan enrollment option described in this paragraph, elect to enroll in coverage under a plan offered by such plan sponsor that is different than coverage under the plan in which such individual was enrolled at the time—

(i) in the case of any assistance eligible individual described in subsection (c)(1), the qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code (except for the voluntary termination of such individual's employment by such individual), occurred, and such coverage shall be treated as COBRA continuation coverage for purposes of the applicable COBRA continuation provision;

(ii) in the case of an assistance eligible individual described in subsection (c)(2), the termination or reduction of hours of employment of such individual occurred; or

(iii) in the case of any assistance eligible individual described in subsection (c)(3), the furlough period began with respect to such individual.

(B) REQUIREMENTS.—Any assistance eligible individual may elect to enroll in different coverage as described in subparagraph (A) only if—

(i) the employer involved has made a determination that such employer will permit such assistance eligible individual to enroll in different coverage as provided under this paragraph;

(ii) the premium for such different coverage does not exceed the premium for coverage in which such individual was enrolled at the time such qualifying event occurred or immediately before such furlough began;

(iii) the different coverage in which the individual elects to enroll is coverage that is also offered to the active employees of the employer, who are not in a furlough period, at the time at which such election is made; and

(iv) the different coverage in which the individual elects to enroll is not—

(I) coverage that provides only dental, vision, counseling, or referral services (or a combination of such services);

(II) a qualified small employer health reimbursement arrangement (as defined in section 9831(d)(2) of the Internal Revenue Code of 1986);

(III) a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986); or

(IV) benefits that provide coverage for services or treatments furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination of such care).

(3) PREMIUM REIMBURSEMENT.—For provisions providing the payment of such premium, see section 6432 of the Internal Revenue Code of 1986, as added by section 203(a).

(b) LIMITATION OF PERIOD OF PREMIUM ASSISTANCE.—

(1) ELIGIBILITY FOR ADDITIONAL COVERAGE.—Subsection (a)(1) shall not apply with respect to—

(A) any assistance eligible individual described in subsection (c)(1) for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination thereof)), or eligible for benefits under the Medicare program under title XVIII of the Social Security Act; or

(ii) the earlier of—

(I) the date following the expiration of the maximum period of continuation coverage required under the applicable COBRA continuation coverage provision; or

(II) the date following the expiration of the period of continuation coverage allowed under subsection (d)(2)(B);

(B) any assistance eligible individual described in subsection (c)(2) for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or

a combination thereof)), or eligible for benefits under the Medicare program under title XVIII of the Social Security Act; or

(ii) the first date on which the church plan is no longer available to such individual; or

(C) any assistance eligible individual described in paragraph (3)(C) for months of coverage beginning on or after the earlier of—

(i) the first date that such individual is eligible for coverage under any other group health plan (other than coverage consisting of only dental, vision, counseling, or referral services (or a combination thereof), coverage under a flexible spending arrangement (as defined in section 106(c)(2) of the Internal Revenue Code of 1986), coverage of treatment that is furnished in an on-site medical facility maintained by the employer and that consists primarily of first-aid services, prevention and wellness care, or similar care (or a combination thereof)), or eligible for benefits under the Medicare program under title XVIII of the Social Security Act; or

(ii) the first date that such individual is no longer in the furlough period.

(2) NOTIFICATION REQUIREMENT.—Any assistance eligible individual shall notify the group health plan with respect to which subsection (a)(1) applies if such paragraph ceases to apply by reason of subparagraph (A)(i), (B)(i), or (C)(i) of paragraph (1) (as applicable). Such notice shall be provided to the group health plan in such time and manner as may be specified by the Secretary of Labor.

(3) SPECIAL ENROLLMENT PERIOD FOLLOWING EXPIRATION OF PREMIUM ASSISTANCE.—Notwithstanding section 1311 of the Patient Protection and Affordable Care Act (42 U.S.C. 18031), the expiration of premium assistance pursuant to a limitation specified under paragraph (1) shall be treated as a qualifying event for which any assistance eligible individual is eligible to enroll in a qualified health plan offered through an Exchange under title I of such Act (42 U.S.C. 18001 et seq.) during a special enrollment period.

(c) ASSISTANCE ELIGIBLE INDIVIDUAL.—For purposes of this section, the term ''assistance eligible individual'' means, with respect to a period of coverage during the period beginning on the first day of the first month that begins after the date of enactment of this Act and ending on December 31, 2020—

(1) any individual that is a qualified beneficiary that—

(A) is eligible for COBRA continuation coverage by reason of a qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code (except for the voluntary termination of such individual's employment by such individual); and

(B) elects such coverage;

(2) any individual who—

(A) is terminated from (other than by reason of such employee's gross misconduct or voluntary termination), or is subject to a reduction in hours with respect to, employment with an employer who offers a church plan, if the employer voluntarily offers coverage under such plan to such individual after the termination or reduction of hours, or is a beneficiary of such an individual who is terminated or subject to a reduction of hours, if the employer voluntarily offers coverage under such plan to such beneficiary; and

(B) elects such coverage; or

(3) any covered employee that is in a furlough period that remains eligible for coverage under a group health plan offered by the employer of such covered employee.

(d) EXTENSION OF ELECTION PERIOD AND EFFECT ON COVERAGE.—

(1) IN GENERAL.—For purposes of applying section 605(a) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(5)(A) of the Internal Revenue Code of 1986, section 2205(a) of the Public Health Service Act, and section 8905a(c)(2) of title 5, United States Code, in the case of—

(A) an individual who does not have an election of COBRA continuation coverage in effect on the date of the enactment of this Act but who would be an assistance eligible individual described in subsection (c)(1) if such election were so in effect; or

(B) an individual who elected COBRA continuation coverage on or after March 1, 2020, and discontinued from such coverage before the date of the enactment of this Act,

such individual may elect the COBRA continuation coverage under the COBRA continuation coverage provisions containing such provisions during the period beginning on the date of the enactment of this Act and ending 60 days after the date on which the notification required under subsection (g)(3) is provided to such individual.

(2) COMMENCEMENT OF COBRA CONTINUATION COVERAGE.—Any COBRA continuation coverage elected by a qualified beneficiary during an extended election period under paragraph (1)—

(A) shall apply as if such qualified beneficiary had been covered as of the date of a qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code, except for the voluntary termination of such beneficiary's employment by such beneficiary, that occurs no earlier than March 1, 2020 (including the treatment of premium payments under subsection (a)(1) and any cost-sharing requirements for items and services under a group health plan); and

(B) shall not extend beyond the period of COBRA continuation coverage that would have been required under the applicable COBRA continuation coverage provision if the coverage had been elected as required under such provision.

(e) EXPEDITED REVIEW OF DENIALS OF PREMIUM ASSISTANCE.—In any case in which an individual requests treatment as an assistance eligible individual described in paragraph (1), (2), or (3) of subsection (c) and is denied such treatment by the group health plan, the Secretary of Labor (or the Secretary of Health and Human Services in connection with COBRA continuation coverage or a church plan which is provided other than pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974), in consultation with the Secretary of the Treasury, shall provide for expedited review of such denial. An individual shall be entitled to such review upon application to such Secretary in such form and manner as shall be provided by such Secretary, in consultation with the Secretary of Treasury. Such Secretary shall make a determination regarding such individual's eligibility within 15 business days after receipt of such individual's application for review under this subsection. Either Secretary's determination upon review of the denial shall be de novo and shall be the final determination of such Secretary. A reviewing court shall grant deference to such Secretary's determination. The provisions of this subsection, subsections (a) through (e), and subsections (g) through (i) shall be treated as provisions of title I of the Employee Retirement Income Security Act of 1974 for purposes of part 5 of subtitle B of such title.

(f) DISREGARD OF SUBSIDIES FOR PURPOSES OF FEDERAL AND STATE PROGRAMS.—Notwithstanding any other provision of law, any premium assistance with respect to an assistance eligible individual under this section shall not be considered income, in-kind support, or resources for purposes of determining the eligibility of the recipient (or the recipient's spouse or family) for benefits or assistance, or the amount or extent of benefits or assistance, or any other benefit provided under any Federal program or any program of a State or political subdivision thereof financed in whole or in part with Federal funds.

(g) COBRA-SPECIFIC NOTICE.—

(1) GENERAL NOTICE.—

(A) IN GENERAL.—In the case of notices provided under section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb–6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, with respect to individuals who, during the period described in subsection (c), become entitled to elect COBRA continuation coverage, the requirements of such provisions shall not be treated as met unless such notices include an additional notification to the recipient, in writing, in clear and understandable language of—

(i) the availability of premium assistance with respect to such coverage under this section; and

(ii) the option to enroll in different coverage if the employer permits assistance eligible individuals described in subsection (c)(1) to elect enrollment in different coverage (as described in subsection (a)(2)).

(B) ALTERNATIVE NOTICE.—In the case of COBRA continuation coverage to which the notice provision under such sections does not apply, the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall, in consultation with administrators of the group health plans (or other entities) that provide or administer the COBRA continuation coverage involved, provide rules requiring the provision of such notice.

(C) FORM.—The requirement of the additional notification under this paragraph may be met by amendment of existing notice forms or by inclusion of a separate document with the notice otherwise required.

(2) SPECIFIC REQUIREMENTS.—Each additional notification under paragraph (1) shall include—

(A) the forms necessary for establishing eligibility for premium assistance under this section;

(B) the name, address, and telephone number necessary to contact the plan administrator and any other person maintaining relevant information in connection with such premium assistance;

(C) a description of the extended election period provided for in subsection (d)(1);

(D) a description of the obligation of the qualified beneficiary under subsection (b)(2) and the penalty provided under section 6720C of the Internal Revenue Code of 1986 for failure to carry out the obligation;

(E) a description, displayed in a prominent manner, of the qualified beneficiary's right to a reduced premium and any conditions on entitlement to the reduced premium;

(F) a description of the option of the qualified beneficiary to enroll in different coverage if the employer permits such beneficiary to elect to enroll in such different coverage under subsection (a)(2); and

(G) information regarding any Exchange established under title I of the Patient Protection and Affordable Care Act (42 U.S.C. 18001 et seq.) through which a qualified beneficiary may be eligible to enroll in a qualified health plan, including—

(i) the publicly accessible internet website address for such Exchange;

(ii) the publicly accessible internet website address for the Find Local Help directory maintained by the Department of Health and Human Services on the healthcare.gov internet website (or a successor website);

(iii) a clear explanation that—

(I) an individual who is eligible for continuation coverage may also be eligible to enroll, with financial assistance, in a qualified health plan offered through such Exchange, but, in the case that such individual elects to enroll in such continuation coverage and subsequently elects to terminate such continuation coverage before the period of such continuation coverage expires, such termination does not initiate a special enrollment period (absent a qualifying event specified in section 603(2) of the Employee Retirement Income Security Act of 1974, section 4980B(f)(3)(B) of the Internal Revenue Code of 1986, section 2203(2) of the Public Health Service Act, or section 8905a of title 5, United States Code, with respect to such individual); and

(II) an individual who elects to enroll in continuation coverage will remain eligible to enroll in a qualified health plan offered through such Exchange during an open enrollment period and may be eligible for financial assistance with respect to enrolling in such a qualified health plan;

(iv) information on consumer protections with respect to enrolling in a qualified health plan offered through such Exchange, including the requirement for such a qualified health plan to provide coverage for essential health benefits (as defined in section 1302(b) of such Act (42 U.S.C. 18022(b))) and the requirements applicable to such a qualified health plan under part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.);

(v) information on the availability of financial assistance with respect to enrolling in a qualified health plan, including the maximum income limit for eligibility for the premium tax credit under section 36B of the Internal Revenue Code of 1986; and

(vi) information on any special enrollment periods during which any assistance eligible individual described in subsection (c)(1)(A) may be eligible to enroll, with financial assistance, in a qualified health plan offered through such Exchange (including a special enrollment period for which an individual may be eligible due to the expiration of premium assistance pursuant to a limitation specified under subsection (b)(1)); and

(H) information regarding compliance with the requirements of subsection (n).

(3) NOTICE IN CONNECTION WITH EXTENDED ELECTION PERIODS.—In the case of any assistance eligible individual described in subsection (c)(1) (or any individual described in subsection (d)(1)) who became entitled to elect COBRA continuation coverage before the date of the enactment of this Act, the administrator of the applicable group health plan (or other entity) shall provide (within 60 days after the date of enactment of this Act) for the additional notification required to be provided under paragraph (1) and failure to provide such notice shall be treated as a failure to meet the notice requirements under the applicable COBRA continuation provision.

(4) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, with respect to any assistance eligible individual described in subsection (c)(1)—

(A) the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the additional notification required under this paragraph (other than the additional notification described in subparagraph (B)); and

(B) in the case of any additional notification provided pursuant to paragraph (1) under section 8905a(f)(2)(A) of title 5, United States Code, the Office of Personnel Management shall prescribe a model for such additional notification.

(h) FURLOUGH-SPECIFIC NOTICE.—

(1) IN GENERAL.—With respect to any assistance eligible individual described in subsection (c)(3) who, during the period described in such paragraph, becomes eligible for assistance pursuant to subsection (a)(1)(C), the requirements of section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb–6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, shall not be treated as met unless the group health plan administrator, in accordance with the timing requirement specified under paragraph (2), provides to the individual a written notice in clear and understandable language of—

(A) the availability of premium assistance with respect to such coverage under this section;

(B) the option of the qualified beneficiary to enroll in different coverage if the employer permits such beneficiary to elect to enroll in such different coverage under subsection (a)(2); and

(C) the information specified under subsection (g)(2) (as applicable).

(2) TIMING SPECIFIED.—For purposes of paragraph (1), the timing requirement specified in this paragraph is—

(A) with respect to such an individual who is within a furlough period during the period beginning on March 1, 2020, and ending on the date of the enactment of this Act, 30 days after the date of such enactment; and

(B) with respect to such an individual who is within a furlough period during the period beginning on the first day after the date of the enactment of this Act and ending on December 31, 2020, 30 days after the date of the beginning of such furlough period.

(3) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, with respect to any assistance eligible individual described in subsection (c)(3)—

(A) the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the notification required under this paragraph (other than the notification described in subparagraph (B)); and

(B) in the case of any notification provided pursuant to paragraph (1) under section 8905a(f)(2)(A) of title 5, United States Code, the Office of Personnel Management shall prescribe a model for such notification.

(i) NOTICE OF EXPIRATION OF PERIOD OF PREMIUM ASSISTANCE.—

(1) IN GENERAL.—With respect to any assistance eligible individual (as applicable), subject to paragraph (2), the requirements of section 606(a)(4) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1166(4)), section 4980B(f)(6)(D) of the Internal Revenue Code of 1986, section 2206(4) of the Public Health Service Act (42 U.S.C. 300bb–6(4)), or section 8905a(f)(2)(A) of title 5, United States Code, shall not be treated as met unless the employer of the individual, during the period specified under paragraph (3), provides to such individual a written notice in clear and understandable language—

(A) that the premium assistance for such individual will expire soon and the prominent identification of the date of such expiration;

(B) that such individual may be eligible for coverage without any premium assistance through—

(i) COBRA continuation coverage; or

(ii) coverage under a group health plan;

(C) that the expiration of premium assistance is treated as a qualifying event for which any assistance eligible individual is eligible to enroll in a qualified health plan offered through an Exchange under title I of such Act (42 U.S.C. 18001 et seq.) during a special enrollment period; and

(D) the information specified in subsection (g)(2)(G).

(2) EXCEPTION.—The requirement for the group health plan administrator to provide the written notice under paragraph (1) shall be waived in the case the premium assistance for such individual expires pursuant to subparagraph (A)(i) or (C)(i) of subsection (b)(1).

(3) PERIOD SPECIFIED.—For purposes of paragraph (1), the period specified in this paragraph is, with respect to the date of expiration of premium assistance for any assistance eligible individual pursuant to a limitation requiring a notice under this subsection, the period beginning on the day that is 45 days before the date of such expiration and ending on the day that is 15 days before the date of such expiration.

(4) MODEL NOTICES.—Not later than 30 days after the date of enactment of this Act, with respect to any assistance eligible individual—

(A) the Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall prescribe models for the notification required under this subsection (other than the notification described in subparagraph (B)); and

(B) in the case of any notification provided pursuant to paragraph (1) under section 8905a(f)(2)(A) of title 5, United States Code, the Office of Personnel Management shall prescribe a model for such notification.

(j) REGULATIONS.—The Secretary of the Treasury and the Secretary of Labor may jointly prescribe such regulations or other guidance as may be necessary or appropriate to carry out the provisions of this section, including the prevention of fraud and abuse under this section, except that the Secretary of Labor and the Secretary of Health and Human Services may prescribe such regulations (including interim final regulations) or other guidance as may be necessary or appropriate to carry out the provisions of subsections (e), (g), (h), (i), and (k).

(k) OUTREACH.—

(1) IN GENERAL.—The Secretary of Labor, in consultation with the Secretary of the Treasury and the Secretary of Health and Human Services, shall provide outreach consisting of public education and enrollment assistance relating to premium assistance provided under this section. Such outreach shall target employers, group health plan administrators, public assistance programs, States, insurers, and other entities as determined appropriate by such Secretaries. Such outreach shall include an initial focus on those individuals electing continuation coverage who are referred to in subsection (g)(3). Information on such premium assistance, including enrollment, shall also be made available on websites of the Departments of Labor, Treasury, and Health and Human Services.

(2) ENROLLMENT UNDER MEDICARE.—The Secretary of Health and Human Services shall provide outreach consisting of public education. Such outreach shall target individuals who lose health insurance coverage. Such outreach shall include information regarding enrollment for benefits under title XVIII of the Social Security Act (42 U.S.C.

1395 et seq.) for purposes of preventing mistaken delays of such enrollment by such individuals, including lifetime penalties for failure of timely enrollment.

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

(1) ADMINISTRATOR.—The term ''administrator'' has the meaning given such term in section 3(16)(A) of the Employee Retirement Income Security Act of 1974.

(2) CHURCH PLAN.—The term ''church plan'' means a plan, as described in section 414(e) of the Internal Revenue Code of 1986, that provides medical care to employees or their dependents.

(3) COBRA CONTINUATION COVERAGE.—The term ''COBRA continuation coverage'' means continuation coverage provided pursuant to part 6 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (other than under section 609), title XXII of the Public Health Service Act, section 4980B of the Internal Revenue Code of 1986 (other than subsection (f)(1) of such section insofar as it relates to pediatric vaccines), or section 8905a of title 5, United States Code, or under a State program that provides comparable continuation coverage. Such term does not include coverage under a health flexible spending arrangement under a cafeteria plan within the meaning of section 125 of the Internal Revenue Code of 1986.

(4) COBRA CONTINUATION PROVISION.—The term ''COBRA continuation provision'' means the provisions of law described in paragraph (3).

(5) COVERED EMPLOYEE.—The term ''covered employee'' has the meaning given such term in section 607(2) of the Employee Retirement Income Security Act of 1974.

(6) QUALIFIED BENEFICIARY.—The term ''qualified beneficiary'' has the meaning given such term in section 607(3) of the Employee Retirement Income Security Act of 1974.

(7) GROUP HEALTH PLAN.—The term ''group health plan'' has the meaning given such term in section 607(1) of the Employee Retirement Income Security Act of 1974.

(8) STATE.—The term ''State'' includes the District of Columbia, the Commonwealth of Puerto Rico, the Virgin Islands, Guam, American Samoa, and the Commonwealth of the Northern Mariana Islands.

(9) PERIOD OF COVERAGE.—Any reference in this section to a period of coverage shall be treated as a reference to a monthly or shorter period of coverage with respect to which premiums are charged with respect to such coverage.

(10) PLAN SPONSOR.—The term ''plan sponsor'' has the meaning given such term in section 3(16)(B) of the Employee Retirement Income Security Act of 1974.

(11) FURLOUGH PERIOD.—

(A) IN GENERAL.—The term ''furlough period'' means, with respect to an individual and an employer of such individual, a period—

(i) beginning with the first month beginning on or after March 1, 2020, and before December 31, 2020, during which such individual's employer reduces such individual's work hours (due to a lack of work, funds, or other nondisciplinary reason) to an amount that is less than 70 percent of the base month amount; and

(ii) ending with the earlier of—

(I) the first month beginning after December 31, 2020; or

(II) the month following the first month during which work hours of such employee are greater than 80 percent of work hours of the base month amount.

(B) BASE MONTH AMOUNT.—For purposes of subparagraph (A), the term ''base month amount'' means, with respect to an individual and an employer of such individual, the greater of—

(i) such individual's work hours in the month prior (or in the case such individual had no work hours in the month prior and had work hours in the 3 months prior, the last month with work hours within the prior 3 months); and

(ii) such individual's work hours during the period beginning January 1, 2020, and ending January 31, 2020.

(m) REPORTS.—

(1) INTERIM REPORT.—The Secretary of the Treasury and the Secretary of Labor shall jointly submit an interim report to the Committee on Education and Labor, the Committee on Ways and Means, and the Committee on Energy and Commerce of the House of Representatives and the Committee on Health, Education, Labor, and Pensions and the Committee on Finance of the Senate regarding the premium assistance provided under this section that includes—

(A) the number of individuals provided such assistance as of the date of the report; and

(B) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with such assistance as of the date of the report.

(2) FINAL REPORT.—As soon as practicable after the last period of COBRA continuation coverage for which premium assistance is provided under this section, the Secretary of the Treasury and the Secretary of Labor shall jointly submit a final report to each Committee referred to in paragraph (1) that includes—

(A) the number of individuals provided premium assistance under this section;

(B) the average dollar amount (monthly and annually) of premium assistance provided to such individuals; and

(C) the total amount of expenditures incurred (with administrative expenditures noted separately) in connection with premium assistance under this section.

(n) LIMITATION.—

(1) IN GENERAL.—Notwithstanding section 602(1) of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1162(1)) or any other provision of part 6 of subtitle B of title I of such Act of 1974 (29 U.S.C. 1161 et seq.), section 2202(1) of the Public Health Service Act (42 U.S.C. 300bb–2) or any other provision of such Act (42 U.S.C. 201 et seq.), section 4980B(f)(2)(A) of the Internal Revenue Code of 1986 or any other provision of such Code, section 8905a of title 5, United States Code, or any provision of State law, in the case of coverage described in subsection (a)(1) for an assistance eligible individual—

(A) such coverage shall exclude coverage of an abortion (except to the extent described in section 507(a) of division A of Public Law 116–94) for any period of coverage beginning on or after the date of enactment of this Act, for which subsection (a)(1) applies to the individual; and

(B) if such coverage would, but for the requirement under subparagraph (A), include coverage of abortion (except to the extent described in such subparagraph) for such individual, the coverage shall be modified for such individual so that the coverage excludes abortion (except to the extent described in such subparagraph) for any period of coverage as described in such subparagraph.

(2) RULE OF CONSTRUCTION.—Nothing in this subtitle, or any amendment made by this subtitle, may be construed to require a health plan, including any COBRA continuation coverage, to provide coverage of any abortion.

(o) DEADLINES WITH RESPECT TO NOTICES.—Notwithstanding section 518 of the Employee Retirement Income Security Act of 1974 and section 7508A of the Internal Revenue Code of 1986, the Secretary of Labor and the Secretary of the Treasury, respectively, may not waive or extend any deadline with respect to the provision of notices described in subsections (g), (h), and (i).

SEC. 203. AMENDMENTS TO THE INTERNAL REVENUE CODE OF 1986.

(a) COBRA PREMIUM ASSISTANCE.—

(1) IN GENERAL.—Subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6432. CONTINUATION COVERAGE PREMIUM ASSISTANCE.

''(a) IN GENERAL.—The person to whom premiums are payable for continuation coverage under section 202(a)(1) of the Continuous Health Coverage for Workers Act shall be allowed as a credit against the tax imposed by section 3111(a), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(a), for each calendar quarter an amount equal to the premiums not paid by assistance eligible individuals for such coverage by reason of such section 202(a)(1) with respect to such calendar quarter.

''(b) PERSON TO WHOM PREMIUMS ARE PAYABLE.—For purposes of subsection (a), except as otherwise provided by the Secretary, the person to whom premiums are payable under such continuation coverage shall be treated as being—

''(1) in the case of any group health plan which is a multiemployer plan (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974), the plan,

''(2) in the case of any group health plan not described in paragraph (1)—

''(A) which provides church plan continuation coverage described in section 202(a)(1)(A)(ii), furlough continuation coverage described in section 202(a)(1)(A)(iii) of the Continuous Health Coverage for Workers Act or subject to the COBRA continuation provisions contained in—

''(i) this title,

''(ii) the Employee Retirement Income Security Act of 1974,

''(iii) the Public Health Service Act, or

''(iv) title 5, United States Code, or

''(B) under which some or all of the coverage is not provided by insurance,

the employer maintaining the plan, and

''(3) in the case of any group health plan not described in paragraph (1) or (2), the insurer providing the coverage under the group health plan.

''(c) LIMITATIONS AND REFUNDABILITY.—

''(1) CREDIT LIMITED TO CERTAIN EMPLOYMENT TAXES.—The credit allowed by subsection (a) with respect to any calendar quarter shall not exceed the tax imposed by section 3111(a), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(a), for such calendar quarter (reduced by any credits allowed under subsections (e) and (f) of section 3111, sections 7001 and 7003 of the Families First Coronavirus Response Act, section 2301 of the CARES Act, and sections 20204 and 20212 of the COVID–19 Tax Relief Act of 2020 for such quarter) on the wages paid with respect to the employment of all employees of the employer.

''(2) REFUNDABILITY OF EXCESS CREDIT.—

''(A) CREDIT IS REFUNDABLE.—If the amount of the credit under subsection (a) exceeds the limitation of paragraph (1) for any calendar quarter, such excess shall be treated as an overpayment that shall be refunded under sections 6402(a) and 6413(b).

''(B) CREDIT MAY BE ADVANCED.—In anticipation of the credit, including the refundable portion under subparagraph (A), the credit may be advanced, according to forms and instructions provided by the Secretary, up to

an amount calculated under subsection (a) through the end of the most recent payroll period in the quarter.

''(C) TREATMENT OF DEPOSITS.—The Secretary shall waive any penalty under section 6656 for any failure to make a deposit of the tax imposed by section 3111(a), or so much of the taxes imposed under section 3221(a) as are attributable to the rate in effect under section 3111(a), if the Secretary determines that such failure was due to the anticipation of the credit allowed under this section.

''(D) TREATMENT OF PAYMENTS.—For purposes of section 1324 of title 31, United States Code, any amounts due to an employer under this paragraph shall be treated in the same manner as a refund due from a credit provision referred to in subsection (b)(2) of such section.

''(3) LIMITATION ON REIMBURSEMENT FOR CERTAIN EMPLOYEES.—In the case of an individual who for any month is an assistance eligible individual described in subparagraph (B) or (C) of section 202(a)(3) of the Continuous Health Coverage for Workers Act with respect to any coverage, the credit determined with respect to such individual under subsection (a) for any such month ending during a calendar quarter shall not exceed the amount of premium the individual would have paid for a full month of such coverage for the month preceding the first month for which an individual is such an assistance eligible individual.

''(d) GOVERNMENTAL ENTITIES.—For purposes of this section, the term 'person' includes any governmental entity or Indian tribal government (as defined in section 139E(c)(1)).

''(e) DENIAL OF DOUBLE BENEFIT.—For purposes of chapter 1, the gross income of any person allowed a credit under this section shall be increased for the taxable year which includes the last day of any calendar quarter with respect to which such credit is allowed by the amount of such credit. No amount for which a credit is allowed under this section shall be taken into account as qualified wages under section 2301 of the CARES Act or as qualified health plan expenses under section 7001(d) or 7003(d) of the Families First Coronavirus Response Act.

''(f) REPORTING.—Each person entitled to reimbursement under subsection (a) for any period shall submit such reports (at such time and in such manner) as the Secretary may require, including—

''(1) an attestation of involuntary termination of employment, reduction of hours, or furloughing, for each assistance eligible individual on the basis of whose termination, reduction of hours, or furloughing entitlement to reimbursement is claimed under subsection (a),

''(2) a report of the amount of payroll taxes offset under subsection (a) for the reporting period, and

''(3) a report containing the TINs of all covered employees, the amount of subsidy reimbursed with respect to each employee, and a designation with respect to each employee as to whether the subsidy reimbursement is for coverage of 1 individual or 2 or more individuals.

''(g) REGULATIONS.—The Secretary shall issue such regulations or other guidance as may be necessary or appropriate to carry out this section, including—

''(1) the requirement to report information or the establishment of other methods for verifying the correct amounts of reimbursements under this section,

''(2) the application of this section to group health plans that are multiemployer plans (as defined in section 3(37) of the Employee Retirement Income Security Act of 1974),

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

''(4) to provide for the reconciliation of such advance payment with the amount of the credit at the time of filing the return of tax for the applicable quarter or taxable year, and

''(5) with respect to the application of the credit to third party payors (including professional employer organizations, certified professional employer organizations, or agents under section 3504).

''(h) LIMITATION.—In the case of any period of coverage (as defined in section 202(l) of the Continuous Health Coverage for Workers Act) beginning on or after the date of enactment of this section, no credit shall be allowed under this section with respect to any coverage that includes coverage of an abortion (except as described in section 507(a) of division A of Public Law 116–94).''.

(2) SOCIAL SECURITY TRUST FUNDS HELD HARMLESS.—There are hereby appropriated to the Federal Old-Age and Survivors Insurance Trust Fund and the Federal Disability Insurance Trust Fund established under section 201 of the Social Security Act (42 U.S.C. 401) and the Social Security Equivalent Benefit Account established under section 15A(a) of the Railroad Retirement Act of 1974 (45 U.S.C. 231n–1(a)) amounts equal to the reduction in revenues to the Treasury by reason of this subsection (without regard to this paragraph). Amounts appropriated by the preceding sentence shall be transferred from the general fund at such times and in such manner as to replicate to the extent possible the transfers which would have occurred to such Trust Fund or Account had this section not been enacted.

(3) CLERICAL AMENDMENT.—The table of sections for subchapter B of chapter 65 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''Sec. 6432. Continuation coverage premium assistance.''.

(4) EFFECTIVE DATE.—The amendments made by this subsection shall apply to premiums to which section 202(a)(1)(A) applies.

(5) SPECIAL RULE IN CASE OF EMPLOYEE PAYMENT THAT IS NOT REQUIRED UNDER THIS SECTION.—

(A) IN GENERAL.—In the case of an assistance eligible individual who pays, with respect any period of coverage to which section 202(a)(1)(A) applies, the amount of the premium for such coverage that the individual would have (but for this subtitle) been required to pay, the person to whom such payment is payable shall reimburse such individual for the amount of such premium paid.

(B) CREDIT OF REIMBURSEMENT.—A person to which subparagraph (A) applies shall be allowed a credit in the manner provided under section 6432 of the Internal Revenue Code of 1986 for any payment made to the employee under such subparagraph.

(C) PAYMENT OF CREDITS.—Any person to which subparagraph (A) applies shall make the payment required under such clause to the individual not later than 60 days after the date on which such individual elects continuation coverage under section 202(a)(1) of the Continuous Health Coverage for Workers Act.

(b) PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR PREMIUM ASSISTANCE.—

(1) IN GENERAL.—Part I of subchapter B of chapter 68 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 6720C. PENALTY FOR FAILURE TO NOTIFY HEALTH PLAN OF CESSATION OF ELIGIBILITY FOR CONTINUATION COVERAGE PREMIUM ASSISTANCE.

''(a) IN GENERAL.—Except in the case of failure described in subsection (b) or (c), any person required to notify a group health plan under section 202(a)(2)(B) of the Continuous Health Coverage for Workers Act who fails to make such a notification at such time and in such manner as the Secretary of Labor may require shall pay a penalty of $250.

''(b) INTENTIONAL FAILURE.—In the case of any such failure that is fraudulent, such person shall pay a penalty equal to the greater of—

''(1) $250, or

''(2) 110 percent of the premium assistance provided under section 202(a)(1)(A) of the Continuous Health Coverage for Workers Act after termination of eligibility under such section.

''(c) REASONABLE CAUSE EXCEPTION.—No penalty shall be imposed under this section with respect to any failure if it is shown that such failure is due to reasonable cause and not to willful neglect.''.

(2) CLERICAL AMENDMENT.—The table of sections of part I of subchapter B of chapter 68 of such Code is amended by adding at the end the following new item:

''Sec. 6720C. Penalty for failure to notify health plan of cessation of eligibility for continuation coverage premium assistance.''.

(c) COORDINATION WITH HCTC.—

(1) IN GENERAL.—Section 35(g)(9) of the Internal Revenue Code of 1986 is amended to read as follows:

''(9) CONTINUATION COVERAGE PREMIUM ASSISTANCE.—In the case of an assistance eligible individual who receives premium assistance for continuation coverage under section 202(a)(1) of the Continuous Health Coverage for Workers Act for any month during the taxable year, such individual shall not be treated as an eligible individual, a certified individual, or a qualifying family member for purposes of this section or section 7527 with respect to such month.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to taxable years ending after the date of the enactment of this Act.

(d) EXCLUSION OF CONTINUATION COVERAGE PREMIUM ASSISTANCE FROM GROSS INCOME.—

(1) IN GENERAL.—Part III of subchapter B of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 139H the following new section:

''SEC. 139I. CONTINUATION COVERAGE PREMIUM ASSISTANCE.

''In the case of an assistance eligible individual (as defined in subsection (a)(3) of section 202 of the Continuous Health Coverage for Workers Act), gross income does not include any premium assistance provided under subsection (a)(1) of such section.''.

(2) CLERICAL AMENDMENT.—The table of sections for part III of subchapter B of chapter 1 of such Code is amended by inserting after the item relating to section 139H the following new item:

''Sec. 139I. Continuation coverage premium assistance.''.

(3) EFFECTIVE DATE.—The amendments made by this subsection shall apply to taxable years ending after the date of the enactment of this Act.

SEC. 204. RULE OF CONSTRUCTION.

In all matters of interpretation, rules, and operational procedures, the language of this subtitle shall be interpreted broadly for the benefit of workers and their families.

SA 2516. Ms. MCSALLY submitted an amendment intended to be proposed by

her to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE SECRETARY
PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'', $16,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation to monitor and suppress COVID–19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial, public health, and hospital laboratories, to conduct surveillance and contact tracing, support development of COVID–19 testing plans, and other related activities related to COVID–19 testing: *Provided*, That of the amount appropriated under this paragraph in this Act, not less than $15,000,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care facilities, institutions of higher education, long-term care facilities, or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID–19 testing, and other related activities related to COVID–19 testing, contact tracing, surveillance, containment, and mitigation: *Provided further*, That the amount identified in the preceding proviso shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That not less than $500,000,000 shall be allocated in coordination with the Director of the Indian Health Service, to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Secretary of Health and Human Services (referred to in this paragraph as the ''Secretary'') may satisfy the funding thresholds outlined in the first and third provisos under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this title shall update their plans, as applicable, for COVID–19 testing and contact tracing submitted to the Secretary pursuant to the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139) and submit such updates to the Secretary not later than 60 days after funds appropriated in this paragraph in this Act have been awarded to such recipient: *Provided further*, That funds an entity receives from amounts described in the first proviso in this paragraph may also be used for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve coronavirus preparedness and response capability at the State and local level: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2517. Ms. MCSALLY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—
DEPARTMENT OF HEALTH AND HUMAN SERVICES
OFFICE OF THE SECRETARY
PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND
(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'', $16,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation to monitor and suppress COVID–19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial, public health, and hospital laboratories, to conduct surveillance and contact tracing, support development of COVID–19 testing plans, and other related activities related to COVID–19 testing: *Provided*, That of the amount appropriated under this paragraph in this Act, not less than $15,000,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care facilities, institutions of higher education, long-term care facilities, or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID–19 testing, and other related activities related to COVID–19 testing, contact tracing, surveillance, containment, and mitigation: *Provided further*, That the amount identified in the preceding proviso shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That not less than $500,000,000 shall be allocated in coordination with the Director of the Indian Health Service, to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Secretary of Health and Human Services (referred to in this paragraph as the ''Secretary'') may satisfy the funding thresholds outlined in the first and third provisos under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this title shall update their plans, as applicable, for COVID–19 testing and contact tracing submitted to the Secretary pursuant to the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139) and submit such updates to the Secretary not later than 60 days after funds appropriated in this paragraph in this Act have been awarded to such recipient: *Provided further*, That funds an entity receives from amounts described in the first proviso in this paragraph may also be used for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve coronavirus preparedness and response capability at the State and local level: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2518. Mr. BLUNT (for himself, Mrs. CAPITO, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES
NATIONAL INSTITUTES OF HEALTH
NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For an additional amount for ''National Heart, Lung, and Blood Institute'', $290,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For an additional amount for ''National Institute of Diabetes and Digestive and Kidney Diseases'', $200,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for ''National Institute of Allergy and Infectious Diseases'',

$480,555,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That $55,000,000 shall be for Regional Biocontainment Laboratories: *Provided further*, That funding provided in the previous proviso shall be divided evenly among the eleven laboratories: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For an additional amount for ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'', $172,680,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF MENTAL HEALTH

For an additional amount for ''National Institute of Mental Health'', $200,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For an additional amount for ''National Institute on Minority Health and Health Disparities'', $64,334,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For an additional amount for ''National Center for Advancing Translational Sciences'', $1,224,750,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director'', $12,905,337,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than $10,100,000,000 of the amount provided under this heading in this Act shall be for offsetting the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic: *Provided further*, That $1,325,337,000 of the amount provided under this heading in this Act shall be to support additional scientific research or the programs and platforms that support research: *Provided further*, That $1,240,000,000 of the amount provided under this heading in this Act shall be provided to accelerate the research and development of therapeutic interventions and vaccines in partnership: *Provided further*, that no less than $240,000,000 of the amount provided under this heading in this Act shall be for supplements to existing research training awards for extensions and other costs: *Provided further*, That funds available under this heading in this Act may be transferred to the accounts of Institutes and Centers of the NIH: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2519. Mr. BLUNT (for himself and Mr. DAINES) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'', $26,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made available under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this title will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That the Secretary shall ensure that protections remain for individuals enrolled in group or individual health care coverage with pre-existing conditions, including those linked to coronavirus: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F–4, the Covered Counter measure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, $20,000,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of manufacturing, production, and purchase, at the discretion of the Secretary, of vaccines, therapeutics, diagnostics, and small molecule active pharmaceutical ingredients, including the development, translation, and demonstration at scale of innovations in manufacturing platforms: *Provided further*, That funds in the previous proviso may be used for the construction or renovation of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That of the amount provided under this heading in this Act, $6,000,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track coronavirus vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That the Secretary shall coordinate funding and activities outlined in the previous proviso through the Director of CDC: *Provided further*, That the Secretary, through the Director of CDC, shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on a comprehensive coronavirus vaccine distribution strategy and spend plan that includes how existing infrastructure will be leveraged, enhancements or new infrastructure that may be built, considerations for moving and storing vaccines, guidance for how States and health care providers should prepare for, store, and administer vaccines, nationwide vaccination targets, funding that will be distributed to States, how an informational campaign to both the public and health care providers will be executed, and how the vaccine distribution plan will focus efforts on high risk, underserved, and minority populations: *Provided further*, That such plan shall be updated and provided to the Committees on Appropriations of the House of Representatives and the Senate 90 days after submission of the first plan: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate 2 days in advance of any obligation in excess of $50,000,000, including but not limited to contracts and interagency agreements, from funds provided in this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation of non-federally owned facilities for the production of vaccines, therapeutics, diagnostics, and medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That the not later than 30 days after enactment of this Act, and every 30 days thereafter until funds are expended, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on uses of funding for Operation Warp Speed, detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act that provided the source of funds:

Provided further, That the plan outlined in the previous proviso shall include funding by contract, grant, or other transaction in excess of $20,000,000 with a notation of which Department or Agency, and component thereof is managing the contract: *Provided further*, That the Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (''Academies'') to develop a decision framework to assist domestic and global health authorities in planning an equitable distribution of coronavirus vaccines: *Provided further*, That the Academies, in developing the framework, shall consider equity criteria which may include consideration of risk factors related to health disparities and health care access, underlying health conditions, conditions faced by racial and ethnic minorities, individuals in higher-risk occupations, and first responders, geographic distribution of the coronavirus, and vaccine hesitancy: *Provided further*, That the Academies shall provide recommendations on vaccine distribution to the Advisory Committee on Immunization Practices not later than September 18, 2020: *Provided further*, That the agreement shall provide for an ongoing assessment by the Academies of how vaccine distribution meets equity criteria and recommendations for how vaccine distribution may better align with such criteria as applicable, which shall inform the Advisory Committee on Immunization Practices's prioritization recommendations and vaccine distribution activities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2520. Mr. BLUNT (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—

DEPARTMENT OF EDUCATION

EDUCATION STABILIZATION FUND

For an additional amount for ''Education Stabilization Fund'', $105,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

EDUCATION STABILIZATION FUND

SEC. ___11. (a) ALLOCATIONS.— From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) not more than one half of 1 percent to the outlying areas on the basis of the terms and conditions for funding provided under this heading in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116–136); and

(2) one-half of 1 percent for the Secretary of the Interior for programs operated or funded by the Bureau of Indian Education, under the terms and conditions established for funding provided under this heading in the CARES Act (Public Law 116–136).

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section ___12 of this title.

(2) 67 percent to carry out section ___13 of this title.

(3) 28 percent to carry out section ___14 of this title.

GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND

SEC. ___12. (a) GRANTS.—From funds reserved under section ___11(b)(1) of this title, the Secretary shall make supplemental Emergency Education Relief grants to the Governor of each State with an approved application under section 18002 of division B of the CARES Act (Public Law 116–136). The Secretary shall award funds under this section to the Governor of each State with an approved application within 30 calendar days of enactment of this Act.

(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as ''ESEA'').

(c) USES OF FUNDS.—Grant funds awarded under subsection (b) may be used to—

(1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;

(2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and

(3) provide support to any other institution of higher education, local educational agency, or education related entity within the State that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in section ___13(e) of this title, the ESEA of 1965, the Higher Education Act of 1965, the provision of child care and early childhood education, social and emotional support, career and technical education, adult education, and the protection of education-related jobs.

(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within 6 months of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

(e) REPORT.—A Governor receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. ___13. (a) GRANTS.—From funds reserved under section ___11(b)(2) of this title, the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency with an approved application under section 18003 of division B of the CARES Act (Public Law 116–136). The Secretary shall award funds under this section to each State educational agency with an approved application within 15 calendar days of enactment of this Act.

(b) ALLOCATIONS TO STATES.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State in the same proportion as each State received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(c) SUBGRANTS.—From the payment provided by the Secretary under subsection (b), the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this title relating to the Department of Education. After carrying out the reservation of funds in section ___15 of this title, each State shall allocate not less than 90 percent of the remaining grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies) in the State in proportion to the amount of funds such local educational agencies and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year. The state educational agency shall make such subgrants to local educational agencies as follows—

(1) one-third of funds shall be awarded not less than 15 calendar days after receiving an award from the Secretary under this section; and

(2) the remaining two-thirds of funds shall be awarded only after the local educational agency submits to the Governor and the Governor approves a comprehensive school reopening plan for the 2020–2021 school-year, based on criteria determined by the Governor in consultation with the state educational agency (including criteria for the Governor to carry out subparagraph (A) through (C)), that describes how the local educational agency will safely reopen schools with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state academic standards. The Governor shall approve such plans within 30 days after the plan is submitted, subject to the requirements in subparagraphs (A) through (C).

(A) A local educational agency that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as it was defined by the local educational agency prior to the coronavirus emergency, shall have its plan automatically approved.

(B) A local educational agency that does not provide in-person instruction to any students where the students physically attend school in-person shall not be eligible to receive a subgrant under paragraph (2).

(C) A local educational agency that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in subparagraph (A) shall have its allocation reduced on a pro rata basis as determined by the Governor.

(d) PLAN CONTENTS.—A school reopening plan submitted to a Governor under subsection (c)(2) shall include, in addition to any other information necessary to meet the criteria determined by the Governor—

(1) A detailed timeline for when the local educational agency will provide in-person instruction, including the goals and criteria

used for providing full-time in-person instruction to all students;

(2) A description of how many days of in-person instruction per calendar week the local educational agency plans to offer to students during the 2020–2021 school year; and

(3) An assurance that the local educational agency will offer students as much in-person instruction as is safe and practicable, consistent with maintaining safe and continuous operations aligned with challenging state academic standards.

(e) USES OF FUNDS.—

(1) A local educational agency or non-public school that receives funds under subsection (c)(1) or section ____15 may use funds for any of the following:

(A) Activities to support returning to in-person instruction, including purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools directly related to coronavirus.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

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

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

(G) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(H) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(I) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(J) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(2) A local educational agency that receives funds under subsection (c)(2) may use the funds for activities to carry out a comprehensive school reopening plan as described in this section, including:

(A) Purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementation of procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools, including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

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

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

(G) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(H) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(I) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(f) STATE FUNDING.—A State may reserve not more than 5 percent of the funds not otherwise allocated under subsection (c) and section ____15 for administrative costs and the remainder for emergency needs as determined by the state educational agency to address issues responding to coronavirus, which may be addressed through the use of grants or contracts.

(g) ASSURANCES.—A State, state educational agency, or local educational agency receiving funding under this section shall provide assurances, as applicable, that:

(1) A State, State educational agency, or local educational agency will maintain and expand access to high-quality schools, including high-quality public charter schools, and will not—

(A) enact policies to close or prevent the expansion of such schools to address revenue shortfalls that result in the disproportionate closure or denial of expansion of public charter schools that are otherwise meeting the terms of their charter for academic achievement; or

(B) disproportionally reduce funding to charter schools or otherwise increase funding gaps between charter schools and other public schools in the local educational agency.

(2) Allocations of funding and services provided from funds provided in this section to public charter schools are made on the same basis as is used for all public schools, consistent with state law and in consultation with charter school leaders.

(h) REPORT.—A State receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(i) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 4 months of receiving such funds and the Secretary shall deposit such funds into the general fund of the Treasury.

(j) RULE OF CONSTRUCTION.—

(1) The receipt of any funds authorized or appropriated under this section, including pursuant to section ____15 of this Act, by a nonprofit entity, or by any individual who has been admitted or applied for admission to such entity (or any parent or guardian of such individual), shall not be construed to render such entity or person a recipient of Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing programs, facilities, or employment practices except as required under this section.

(2) No State participating in any program under this section, including pursuant to section ____15 of this Act, shall impose any penalty or additional requirement upon, or otherwise disadvantage, such entity or person as a consequence or condition of its receipt of such funds.

(3) No State participating in any program under this section shall authorize any person or entity to use any funds authorized or appropriated under this section, including pursuant to section ____15 of this Act, except as provided by subsection (e), nor shall any such State impose any limits upon the use of any such funds except as provided by subsection (e).

HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. ____14. (a) IN GENERAL.—From funds reserved under section ____11(b)(3) of this title the Secretary shall allocate amounts as follows:

(1) 85 percent to each institution of higher education described in section 101 or section 102(c) of the Higher Education Act of 1965 to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 90 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 10 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(2) 10 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act to address needs directly related to coronavirus, that shall be

in addition to awards made in section ____14(a)(1) of this title, and allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) and distributed to eligible institutions of higher education, except as otherwise provided in subparagraphs (A)–(D), on the basis of the formula described in section ____14(a)(1) of this title:

(A) Except as otherwise provided in subparagraph (B), for eligible institutions under part B of title III and subpart 4 of part A of title VII of the Higher Education Act, the Secretary shall allot to each eligible institution an amount using the following formula:

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

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

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

(B) For eligible institutions under section 326 of the Higher Education Act, the Secretary shall allot to each eligible institution an amount in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94);

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

(D) Notwithstanding section 318(f) of the Higher Education Act, for eligible institutions under section 318 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(e) of the Higher Education Act.

(3) 5 percent for grants to institutions of higher education that the Secretary determines, through an application process and after allocating funds under paragraphs ____14(a)(1) and (2) of this Act, have the greatest unmet needs related to coronavirus. In awarding funds to institutions of higher education under this paragraph the Secretary shall prioritize institutions of higher education—

(A) described under title I of the Higher Education Act of 1965 that were not eligible to receive an award under section ____14(a)(1) of this title, including institutions described in section 102(b) of the Higher Education Act of 1965; and

(B) that otherwise demonstrate significant needs related to coronavirus that were not addressed by funding allocated under subsections (a)(1) or (a)(2) of this section.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (a)(1) shall be distributed by the Secretary using the same systems as the Secretary otherwise distributes funding to each institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) USES OF FUNDS.—An institution of higher education receiving funds under this section may use the funds received to:

(1) defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); and

(2) provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus.

(d) SPECIAL PROVISIONS.—

(1) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(2) An institution of higher education receiving funds under section 18004 of division B of the CARES Act (Public Law 116–136) may use those funds under the terms and conditions of section ____14(c) of this Act. Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) No funds received by an institution of higher education under this section shall be used to fund contractors for the provision of pre-enrollment recruitment activities; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.

(4) An institution of higher education that was required to remit payment to the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 4968 of the Internal Revenue Code of 1986 for tax year 2019 shall have their allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (c)(2). This paragraph shall not apply to an institution of higher education designated by the Secretary as an eligible institution under section 448 of the Higher Education Act of 1965.

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(f) REALLOCATION.—Any funds allocated to an institution of higher education under this section on the basis of a formula described in subsection (a)(1) or (a)(2) but for which an institution does not apply for funding within 60 days of the publication of the notice inviting applications, shall be reallocated to eligible institutions that had submitted an application by such date.

ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. ____15. (a) FUNDS AVAILABILITY.—From the payment provided by the Secretary under section ____13 of this title to a State educational agency, the State educational agency shall reserve an amount of funds equal to the percentage of students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency. Upon reserving funds under this section, the Governor of the State shall award such funds equally to each non-public school accredited or otherwise located in and licensed to operate in the State based on the number of low-income students enrolled in the non-public school as a share of all low-income students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency, subject to the requirements in subsection (b).

(b)(1) A non-public school that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as determined by the non-public school prior to the coronavirus emergency, shall be eligible for the full amount of assistance per student as prescribed under this section.

(2) A non-public school that does not provide in-person instruction to any students where the students physically attend school in-person shall only be eligible for one-third of the amount of assistance per student as prescribed under this section.

(3) A non-public school that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in paragraph (1) shall have its amount of assistance as prescribed under this section reduced on a pro rata basis, which shall be calculated using the same methodology as is used under section ____13(c)(2)(C) of this title.

(4) A Governor shall allocate not less than 50 percent of the funds reserved in this section to non-public schools within 30 days of receiving an award from the Secretary and the remaining 50 percent not less than 4 months after receiving an award from the Secretary.

CONTINUED PAYMENT TO EMPLOYEES

SEC. ____16. A local educational agency, State, institution of higher education, or other entity that receives funds under ''Education Stabilization Fund'', shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.

DEFINITIONS

SEC. ____17. Except as otherwise provided in sections ____11–____16 of this title, as used in such sections—

(1) the terms ''elementary education'' and ''secondary education'' have the meaning given such terms under State law;

(2) the term ''institution of higher education'' has the meaning given such term in title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(3) the term ''Secretary'' means the Secretary of Education;

(4) the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(5) the term ''cost of attendance'' has the meaning given such term in section 472 of the Higher Education Act of 1965.

(6) the term ''Non-public school'' means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

(7) the term ''public school'' means a public elementary or secondary school; and

(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

MAINTENANCE OF EFFORT

SEC. ____18. A State's application for funds to carry out sections ____12 or ____13 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and

2021 at least at the proportional levels of such State's support for elementary and secondary education and for higher education relative to such States overall spending in fiscal year 2019.

STUDENT AID ADMINISTRATION

For an additional amount for ''Student Aid Administration'', $40,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out part D of title I, and subparts 1, 3, 9 and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INSTITUTE OF EDUCATION SCIENCES

For an additional amount for ''Institute of Education Sciences'', $65,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out the National Assessment of Educational Progress Authorization Act (title III of Public Law 107–279): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For an additional amount for ''Program Administration'', $8,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $7,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this title to respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

SEC. ___19. Funds made available in Public Law 115–245 under the heading ''National Technical Institute for the Deaf'' that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ___20. Funds made available in Public Law 115–245 under the heading ''Gallaudet University'' that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ___21. Funds made available in Public Law 113–76 under the heading ''Innovation and Improvement'' that were available for obligation through December 31, 2014 for the Investing in Innovation program pursuant to the eighth and ninth provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ___22. Funds made available in Public Law 113–76 under the heading ''Rehabilitation Services and Disability Research'' that were available for obligation through fiscal year 2015 for the Automated Personalization Computing Project pursuant to the first four provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2521. Mr. BLUNT submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___——DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Subtitle A—Labor

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for ''Training and Employment Services'', $950,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be used as follows:

(1) $500,000,000 for grants to States for dislocated worker employment and training activities, including training services provided through individual training accounts, incumbent worker training, transitional jobs, customized training, on-the-job training, the identification of training providers including online providers, and activities to facilitate remote access to employment and training services through a one-stop center that lead to employment in high-skill, high-wage, or in-demand industry sectors or occupations, including health care, direct care, and manufacturing;

(2) $150,000,000 for grants to States for youth workforce investment activities: *Provided*, That a local board shall not be required to meet the requirements of section 129(a)(4)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)(4)(A)): *Provided further*, That each State and local area receiving funds under this paragraph in this Act for youth workforce investment activities shall give priority to out-of-school youth and eligible youth who are members of one or more populations listed in section 3(24) of such Act (29 U.S.C. 3102(24));

(3) $150,000,000 for adult employment and training activities; and

(4) $150,000,000 for the dislocated workers assistance national reserve:

Provided further, That notwithstanding section 128(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(a)), the Governor may reserve up to 25 percent of the funds allotted under each of paragraphs (1), (2), and (3) under this heading in this Act for statewide activities described in sections 129(b) and 134(a) of such Act: *Provided further*, That notwithstanding section 128(b)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(b)(4)), local areas may use not more than 20 percent of the funds allocated to the local area under each of paragraphs (1), (2), and (3) under this heading in this Act for administrative costs: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'', $1,504,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''The Trust Fund''), of which:

(1) $1,115,500,000 from the Trust Fund to remain available through December 31, 2021, is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act including grants to upgrade information technology to improve the administration and processing of unemployment compensation claims: *Provided*, That, the Secretary may distribute such amounts, with respect to upgrading information technology, based on the condition and needs of the State information technology systems or other appropriate factors, which may include the ratio described under section 903(a)(2)(B) of the Social Security Act: *Provided further*, That funds provided for information technology under this heading in this Act shall be available for obligation by the States through September 30, 2027 and available for expenditure by the States through September 30, 2028;

(2) $38,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system, to remain available through September 30, 2021; and

(3) $350,000,000 from the Trust Fund is for grants to States in accordance with section 6 of the Wagner-Peyser Act, to remain available through June 30, 2021:

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

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Management'', $15,600,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, including to enforce worker protection laws and regulations, and to oversee and coordinate activities related to division C, division D, division E, and division F

of Public Law 116–127, and activities under Public Law 116–136: *Provided*, That the Secretary of Labor may transfer the amounts provided under this heading in this Act as necessary to ''Employment and Training Administration—Program Administration'', ''Employee Benefits Security Administration'', ''Wage and Hour Division'', Office of Workers' Compensation Programs'', ''Occupational Safety and Health Administration'', and ''Mine Safety and Health Administration'', to prevent, prepare for, and respond to coronavirus, including for enforcement, oversight, and coordination activities in those accounts: *Provided further*, That of the amount provided under this heading in this Act, $5,000,000, to remain available until expended, shall be transferred to ''Office of Inspector General'', for oversight of activities related to Public Law 116–127 and Public Law 116–136 and for oversight activities supported with funds appropriated to the Department of Labor to prevent, prepare for, and respond to coronavirus: *Provided further*, That 15 days prior to transferring any funds pursuant to the previous provisos under the heading in this Act, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the planned uses of each amount proposed to be transferred: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION

SEC. ____01. Paragraph (1) under the heading ''Department of Labor—Veterans Employment and Training'' of title I of division A of Public Law 116–94 is amended by striking ''obligation by the States through December 31, 2020'' and inserting ''expenditure by the States through September 30, 2022'': *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Subtitle B—Health and Human Services

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for ''CDC-Wide Activities and Program Support'', $3,400,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, not less than $1,500,000,000 shall be for grants to or cooperative agreements with States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes, including to carry out surveillance, epidemiology, laboratory capacity, infection control, immunization activity, mitigation, communications, and other preparedness and response activities: *Provided further*, That the amounts included in the previous proviso shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That of the amount in the first proviso, not less than $125,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Director of the Centers for Disease Control and Prevention (''CDC'') may satisfy the funding thresholds outlined in the first and third provisos by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That of the amount provided under this heading in this Act, up to $500,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track seasonal influenza vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That funds provided under this heading in this Act may reimburse CDC obligations incurred for coronavirus vaccine planning, preparation, promotion, and distribution prior to the enactment of this Act: *Provided further*, That CDC shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on an enhanced seasonal influenza vaccination strategy to include nationwide vaccination goals and specific actions that CDC will take to achieve such goals: *Provided further*, That of the amount provided under this heading in this Act, not less than $200,000,000 shall be for global disease detection and emergency response to be coordinated with funds provided in Public Law 116–123 and Public Law 116–136 to global disease detection and emergency response to support CDC-led global health security response including CDC regional planning efforts: *Provided further*, That CDC shall provide an update to the global health security report required in Public Law 116-94 within 90 days of enactment of this Act that shall include a spend plan for funds appropriated in the previous proviso and funds appropriated for global disease detection and emergency response in Public Law 116–123 and Public Law 116–136: *Provided further*, That such spend plan shall describe the regions and countries that CDC will prioritize and describe how CDC and USAID are coordinating during planning and implementation: *Provided further*, That within one year of enactment of this Act and every 365 days thereafter until funds provided in the eighth proviso in this paragraph and in Public Law 116–123 and Public Law 116–136 for global disease detection and emergency response are expended, CDC shall provide an evaluation outlining how investments in countering global health threats, as well as investments made by region or country, as applicable, have improved infectious disease response capability in the region or country and additional progress needed: *Provided further*, That of the amount provided under this heading in this Act, not less than $200,000,000 shall be for public health data surveillance and analytics modernization to be coordinated with funds provided in Public Law 116–136 to support CDC-led data modernization efforts to improve disease reporting across the country: *Provided further*, That CDC shall update the public health data surveillance and IT systems modernization report to the Committees on Appropriations of the House of Representatives and the Senate required by Public Law 116–94 within 180 days of enactment of this Act and every 365 days thereafter until funds provided under this heading in this Act and in Public Law 116–136 for public health surveillance and data collection modernization are expended: *Provided further*, That such report shall include an assessment of the progress State and territorial public health lab grantees have had in meeting data modernization goals, an assessment of the progress CDC internal public health data systems have had meeting data modernization goals, and a detailed plan for CDC's long-term data modernization goals, including how CDC will receive near real-time data across the disease reporting platforms: *Provided further*, That funds appropriated under this heading in this Act may be used for grants for the rent, lease, purchase, acquisition, construction, alteration, or renovation of non-federally owned facilities to improve preparedness and response capability at the State, territorial, tribal, and local level: *Provided further*, That funds provided under this heading in this Act may be used for purchase and insurance of official motor vehicles in foreign countries: *Provided further*, That of the amount provided under this heading in this Act, $1,000,000 shall be to develop and maintain a data system to be known as the Public Safety Officer Suicide Reporting System, to collect data on the suicide incidence among public safety officers; and facilitate the study of successful interventions to reduce suicide among public safety officers: *Provided further*, That such system shall be integrated into the National Violent Death Reporting System: *Provided further*, That amounts repurposed under this heading in this Act that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTES OF HEALTH

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For an additional amount for ''National Heart, Lung, and Blood Institute'', $290,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For an additional amount for ''National Institute of Diabetes and Digestive and Kidney Diseases'', $200,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for ''National Institute of Allergy and Infectious Diseases'', $480,555,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That $55,000,000 shall be for Regional Biocontainment Laboratories: *Provided further*, That funding provided in the previous proviso shall be divided evenly among the eleven laboratories: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For an additional amount for ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'', $172,680,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section

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

NATIONAL INSTITUTE OF MENTAL HEALTH

For an additional amount for ''National Institute of Mental Health'', $200,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For an additional amount for ''National Institute on Minority Health and Health Disparities'', $64,334,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For an additional amount for ''National Center for Advancing Translational Sciences'', $1,224,750,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director'', $12,905,337,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than $10,100,000,000 of the amount provided under this heading in this Act shall be for offsetting the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic: *Provided further*, That $1,325,337,000 of the amount provided under this heading in this Act shall be to support additional scientific research or the programs and platforms that support research: *Provided further*, That $1,240,000,000 of the amount provided under this heading in this Act shall be provided to accelerate the research and development of therapeutic interventions and vaccines in partnership: *Provided further*, that no less than $240,000,000 of the amount provided under this heading in this Act shall be for supplements to existing research training awards for extensions and other costs: *Provided further*, That funds available under this heading in this Act may be transferred to the accounts of Institutes and Centers of the NIH: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, That the Director shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (''Academies'') to develop a decision framework to assist domestic and global health authorities in planning an equitable allocation of coronavirus vaccines: *Provided further*, That the Academies shall consider equity criteria which may include consideration of risk factors related to health disparities and health care access, underlying health conditions, racial and ethnic minorities, higher-risk occupations, first responders, geographic distribution of the virus, and vaccine hesitancy: *Provided further*, That the Academies shall provide recommendations to the Advisory Committee on Immunization Practices no later than September 18, 2020: *Provided further*, That the agreement shall include an ongoing assessment of how vaccine distribution meets equity criteria and recommendations for how vaccine distribution may better align with such criteria as applicable which shall inform the Advisory Committee on Immunization Practices prioritization recommendations and vaccine distribution activities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for ''Heath Surveillance and Program Support'', $4,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, $1,500,000,000 shall be for grants for the substance abuse prevention and treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act (''PHS Act''): *Provided further*, That of the amount appropriated under this heading in this Act, $2,000,000,000 shall be for grants for the community mental health services block grant program under subpart I of part B of title XIX of the PHS Act: *Provided further*, That of the amount appropriated in the previous proviso, the Assistant Secretary is directed to provide no less than 50 percent of funds directly to facilities defined in section 1913(c) of the PHS Act: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $600,000,000 is available for Certified Community Behavioral Health Clinic Expansion Grant program: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $50,000,000 shall be available for suicide prevention programs: *Provided further*, That of the amount appropriated under this heading in this Act, $100,000,000 shall be for activities and services under Project AWARE: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $250,000,000 is available for activities authorized under section 501(o) of the PHS Act: *Provided further*, That from within the amount appropriated under this heading in this Act in the previous provisos, a total of not less than $15,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral health service providers to tribes: *Provided further*, That with respect to the amount appropriated under this heading in this Act the Substance Abuse and Mental Health Services Administration may waive requirements with respect to allowable activities, timelines, or reporting requirements for the Substance Abuse Prevention and Treatment Block Grant and the Community Mental Health Services Block Grant as deemed necessary to facilitate a grantee's response to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTERS FOR MEDICARE & MEDICAID SERVICES

PROGRAM MANAGEMENT

For an additional amount for ''Program Management'', $150,000,000, to remain available through September 30, 2023, to prevent, prepare for, and respond to coronavirus, domestically and internationally: *Provided*, That amounts appropriated under this heading in this Act shall be for Centers for Medicare and Medicaid Services (''CMS'') strike teams for resident and employee safety in skilled nursing facilities and nursing facilities, including activities to support clinical care, infection control, and staffing: *Provided further*, That CMS shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days after enactment of this Act outlining a plan for executing strike team efforts, including how safety and infection control measures will be assessed, how facilities will be chosen, and the frequency by which skilled nursing facilities and nursing facilities will be visited: *Provided further*, That CMS shall administer section 223 of Public Law 113–93 and consult with the Substance Abuse and Mental Health Services Administration, as necessary: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for ''Low Income Home Energy Assistance'', $1,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, or respond to coronavirus, domestically or internationally, which shall be for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): *Provided*, That of the amount provided under this heading in this Act, $375,000,000 shall be allocated as though the total appropriation for such payments for fiscal year 2020 was less than $1,975,000,000: *Provided further*, That section 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B)) shall not apply to funds made available under this heading in this Act in fiscal year 2020: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for ''Payments to States for the Child Care and Development Block Grant'', $5,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for Federal administrative expenses, which shall be used to supplement, not supplant State, Territory, and Tribal general revenue funds for child care assistance for low-income families within the United States (including territories) without regard to requirements in sections 658E(c)(3)(D)–(E) or 658G of the Child Care and Development Block Grant Act: *Provided*, That funds provided under this heading in this Act may be used to provide continued payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to assure they are able to remain open or reopen as appropriate and applicable: *Provided further*, That States, Territories, and Tribes are encouraged to place conditions on payments to child care providers that ensure that child care providers use a portion of funds received to continue to pay the salaries and wages of staff: *Provided further*, That the Secretary shall remind States that CCDBG State plans do not need to be amended prior to utilizing existing authorities in the CCDBG Act for

the purposes provided herein: *Provided further*, That States, Territories, and Tribes are authorized to use funds appropriated under this heading in this Act to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements of section 658P(4) of such Act: *Provided further*, That funds appropriated under this heading in this Act shall be available to eligible child care providers under section 658P(6) of the CCDBG Act, even if such providers were not receiving CCDBG assistance prior to the public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319, for the purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of programs: *Provided further*, That payments made under this heading in this Act may be obligated in this fiscal year or the succeeding two fiscal years: *Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'', $190,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for Federal administrative expenses, which shall be used as follows:

(1) $65,000,000 for Family Violence Prevention and Services grants as authorized by section 303(a) and 303(b) of the Family Violence and Prevention and Services Act with such funds available to grantees without regard to matching requirements under section 306(c)(4) of such Act, of which $2,000,000 shall be for the National Domestic Violence Hotline: *Provided*, That the Secretary may make such funds available for providing temporary housing and assistance to victims of family, domestic, and dating violence;

(2) $75,000,000 for child welfare services as authorized by subpart 1 of part B of title IV of the Social Security Act (other than sections 426, 427, and 429 of such subpart), with such funds available to grantees without regard to matching requirements under section 424(a) of that Act or any applicable reductions in Federal financial participation under section 424(f) of that Act; and

(3) $50,000,000 for necessary expenses for community-based grants for the prevention of child abuse and neglect under section 209 of the Child Abuse Prevention and Treatment Act, which the Secretary shall make available without regard to section 203(b)(1) and 204(4) of such Act:

Provided further, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BACK TO WORK CHILD CARE GRANTS

For an additional amount for ''Back to Work Child Care Grants'', $10,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for activities to carry out Back to Work Child Care Grants to qualified child care providers, for a transition period of not more than 9 months to assist in paying for fixed costs and increased operating expenses due to COVID–19, and to reenroll children in an environment that supports the health and safety of children and staff: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

For an additional amount for ''Aging and Disability Services Programs'', $75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount made available under this heading in this Act to prevent, prepare for, and respond to coronavirus, $58,000,000 shall be for activities authorized under the Older Americans Act of 1965 (''OAA''), including $3,000,000 to implement a demonstration program on strategies to recruit, retain, and advance direct care workers under section 411(a)(13) of the OAA; $35,000,000 for supportive services under part B of title III of the OAA; and $20,000,000 for support services for family caregivers under part E of title III of the OAA: *Provided further*, That of the amount made available under this heading in this Act, $10,000,000 shall be available to support protection and advocacy systems, as described under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.): *Provided further*, That of the amount made available under this heading in this Act, $2,000,000 shall be for training, technical assistance, and resource centers authorized under sections 202(a) and 411 of the OAA; training and technical assistance to centers for independent living as authorized under section 721(b) of the Rehabilitation Act of 1973 (except that the reservations under paragraph (1) of such section shall not apply); technical assistance by the Secretary of Health and Human Services (''Secretary'') to State Councils on Developmental Disabilities as authorized under subtitle B of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (except that the reservations under section 129(b) of such Act shall not apply); technical assistance by the Secretary to protection and advocacy systems as authorized under subtitle C of such title (except that the limits under section 142(a)(6) of such Act shall not apply); and technical assistance to University Centers for Excellence in Developmental Disabilities Education, Research, and Service as authorized under section 151(c) of such Act (except that the reservations under section 156(a)(3)(B) of such Act shall not apply): *Provided further*, That of the amount made available under this heading in this Act, $5,000,000 shall be for activities authorized in the Assistive Technology Act of 2004: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'', $29,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made available under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this title will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That the Secretary shall ensure that protections remain for individuals enrolled in group or individual health care coverage with pre-existing conditions, including those linked to coronavirus: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, not more than $2,000,000,000 shall be for the Strategic National Stockpile under section 319F–2(a) of such Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F–4, the Covered Counter measure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, $20,000,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of manufacturing, production, and purchase, at the discretion of the Secretary, of vaccines, therapeutics, diagnostics, and small molecule active pharmaceutical ingredients, including the development, translation, and demonstration at scale of innovations in manufacturing platforms: *Provided further*, That funds in the previous proviso may be used for the construction or renovation of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That of the amount provided under this heading in this Act, $6,000,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track coronavirus vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That the Secretary shall coordinate

funding and activities outlined in the previous proviso through the Director of CDC: *Provided further*, That the Secretary, through the Director of CDC, shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on a comprehensive coronavirus vaccine distribution strategy and spend plan that includes how existing infrastructure will be leveraged, enhancements or new infrastructure that may be built, considerations for moving and storing vaccines, guidance for how States and health care providers should prepare for, store, and administer vaccines, nationwide vaccination targets, funding that will be distributed to States, how an informational campaign to both the public and health care providers will be executed, and how the vaccine distribution plan will focus efforts on high risk, underserved, and minority populations: *Provided further*, That such plan shall be updated and provided to the Committees on Appropriations of the House of Representatives and the Senate 90 days after submission of the first plan: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate 2 days in advance of any obligation in excess of $50,000,000, including but not limited to contracts and interagency agreements, from funds provided in this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation of non-federally owned facilities for the production of vaccines, therapeutics, diagnostics, and medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That the not later than 30 days after enactment of this Act, and every 30 days thereafter until funds are expended, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on uses of funding for Operation Warp Speed, detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act that provided the source of funds: *Provided further*, That the plan outlined in the previous proviso shall include funding by contract, grant, or other transaction in excess of $20,000,000 with a notation of which Department or Agency, and component thereof is managing the contract: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for ''Public Health and Social Services Emergency Fund'', $8,085,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That $7,600,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to ''Health Resources and Services Administration—Primary Health Care'' for grants, cooperative agreements, and other necessary expenses under the Health Centers Program, as defined by section 330 of the PHS Act, including funding for alteration, renovation, construction, equipment, and other capital improvement costs, and including funding to support, maintain, or increase health center capacity and staffing levels, as necessary, to meet the needs of areas affected by coronavirus: *Provided further*, That sections 330(r)(2)(B), 330(e)(3), 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) of the PHS Act shall not apply to funds in the preceding proviso: *Provided further*, That funding made available under this paragraph in this Act shall not be subject to requirements under the National Environmental Policy Act of 1969 or the National Historic Preservation Act of 1966: *Provided further*, That for the purposes of any funding provided for fiscal year 2020 for the Health Centers Program pursuant to section 330 of the PHS Act (42 U.S.C. 254b), maintaining current health center capacity and staffing levels during a public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319 shall be deemed a cost of prevention, diagnosis, and treatment of coronavirus: *Provided further*, That $250,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to ''Health Resources and Services Administration—Bureau of Health Workforce'', to remain available until September 30, 2022, for supplements to existing payments under subsections 340E(a) and (h)(1) notwithstanding the cap imposed by subsection (h)(1) and notwithstanding subsection (h)(6), for Children's Hospitals Graduate Medical Education, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That $5,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to ''Health Resources and Services Administration—Health Care Systems'', to remain available until September 30, 2022, for activities under sections 1271 and 1273 of the PHS Act to improve the capacity of poison control centers to respond to increased calls: *Provided further*, That of the amount appropriated under this paragraph in this Act, $225,000,000 shall be for grants or other mechanisms, to rural health clinics as defined in section 1861(aa)(2) of the Social Security Act with such funds also available to such entities for building or construction of temporary structures, leasing of properties, and retrofitting facilities as necessary to support COVID–19 testing: *Provided further*, That such funds shall be distributed using the procedures developed for the Provider Relief Fund authorized under the third paragraph under this heading in division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136); may be distributed using contracts or agreements established for such program; and shall be subject to the process requirements applicable to such program: *Provided further*, That the Secretary may specify a minimum amount for each eligible entity accepting assistance under the two previous provisos: *Provided further*, That of the amount made available under this heading in this Act to prevent, prepare for, and respond to coronavirus, $5,000,000, shall be available to implement section 747A of the PHS Act and section 747A(c) shall not apply to these funds: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for ''Public Health and Social Services Emergency Fund'', $16,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation to monitor and suppress COVID–19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial, public health, and hospital laboratories, to conduct surveillance and contact tracing, support development of COVID–19 testing plans, and other related activities related to COVID–19 testing: *Provided*, That of the amount appropriated under this paragraph in this Act, not less than $15,000,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care facilities, institutions of higher education, long-term care facilities, or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID–19 testing, and other related activities related to COVID–19 testing, contact tracing, surveillance, containment, and mitigation: *Provided further*, That the amount identified in the preceding proviso shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That not less than $500,000,000 shall be allocated in coordination with the Director of the Indian Health Service, to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Secretary of Health and Human Services (referred to in this paragraph as the ''Secretary'') may satisfy the funding thresholds outlined in the first and third provisos under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this title shall update their plans, as applicable, for COVID–19 testing and contact tracing submitted to the Secretary pursuant to the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139) and submit such updates to the Secretary not later than 60 days after funds appropriated in this paragraph in this Act have been awarded to such recipient: *Provided further*, That funds an entity receives from amounts described in the first proviso in this paragraph may also be used for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve coronavirus preparedness and response capability at the State and local level: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for ''Public Health and Social Services Emergency Fund'', $25,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: *Provided*, That these funds may not be used to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse: *Provided further*, That recipients of payments under this paragraph shall submit reports and maintain documentation as the Secretary determines are needed to ensure compliance with conditions that are imposed by this paragraph for such payments, and such reports and documentation shall be in such form, with such content, and

in such time as the Secretary may prescribe for such purpose: *Provided further*, That ''eligible health care providers'' means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities not otherwise described in this proviso as the Secretary may specify, within the United States (including territories), that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID–19: *Provided further*, That the Secretary of Health and Human Services shall, on a rolling basis, review applications and make payments under this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity: *Provided further*, That, in this paragraph, the term ''payment'' means a pre-payment, prospective payment, or retrospective payment, as determined appropriate by the Secretary: *Provided further*, That payments under this paragraph shall be made in consideration of the most efficient payment systems practicable to provide emergency payment: *Provided further*, That to be eligible for a payment under this paragraph, an eligible health care provider shall submit to the Secretary of Health and Human Services an application that includes a statement justifying the need of the provider for the payment and the eligible health care provider shall have a valid tax identification number: *Provided further*, That, not later than 3 years after final payments are made under this paragraph, the Office of Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to this program to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That nothing in this section limits the authority of the Inspector General or the Comptroller General to conduct audits of interim payments at an earlier date: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers summarized by State of the payment receipt: *Provided further*, That such reports shall be updated and submitted to such Committees every 60 days until funds are expended: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. ____10. Funds appropriated by this subtitle may be used by the Secretary of the Department of Health and Human Services to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to coronavirus for which—

(1) public notice has been given; and

(2) the Secretary of Health and Human Services has determined that such a public health threat exists.

SEC. ____11. Funds made available by this subtitle may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) to support the prevention of, preparation for, or response to coronavirus, domestically and internationally, subject to prior notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2024.

SEC. ____12. (a) If services performed by an employee during 2020 are determined by the head of the agency to be primarily related to preparation, prevention, or response to coronavirus, any premium pay for such services shall be disregarded in calculating the aggregate of such employee's basic pay and premium pay for purposes of a limitation under section 5547(a) of title 5, United States Code, or under any other provision of law, whether such employee's pay is paid on a biweekly or calendar year basis.

(b) Any overtime pay for such services shall be disregarded in calculating any annual limit on the amount of overtime pay payable in a calendar or fiscal year.

(c) With regard to such services, any pay that is disregarded under either subsection (a) or (b) shall be disregarded in calculating such employee's aggregate pay for purposes of the limitation in section 5307 of such title 5.

(d)(1) Pay that is disregarded under subsection (a) or (b) shall not cause the aggregate of the employee's basic pay and premium pay for the applicable calendar year to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.

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

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

(e) This section shall take effect as if enacted on February 2, 2020.

(f) If application of this section results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

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

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

SEC. ____13. The paragraph codified at 42 U.S.C. 231 shall be applied in this and all other fiscal years as though the phrase ''central services'' referred to central services for any Federal agency, and this section shall be effective as if enacted on the date of enactment of such paragraph.

SEC. ____14. Funds appropriated by this subtitle to the heading ''Department of Health and Human Services'' except for the amounts specified in the third, and fourth paragraphs under the heading ''Public Health and Social Services Emergency Fund'', may be transferred to, and merged with, other appropriation accounts under the headings ''Centers for Disease Control and Prevention'', ''Public Health and Social Services Emergency Fund'', ''Administration for Children and Families'', ''Administration for Community Living'', and ''National Institutes of Health'' to prevent, prepare for, and respond to coronavirus following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation by this subtitle are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this subtitle may be transferred pursuant to the authority in section 205 of division A of Public Law 116–94 or section 241(a) of the PHS Act.

SEC. ____15. Of the funds appropriated by this subtitle under the heading ''Public Health and Social Services Emergency Fund'', up to $6,000,000 shall be transferred to, and merged with, funds made available under the heading ''Office of the Secretary, Office of Inspector General'', and shall remain available until expended, for oversight of activities supported with funds appropriated to the Department of Health and Human Services to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the Inspector General of the Department of Health and Human Services shall consult with the Committees on Appropriations of the House of Representatives and the Senate prior to obligating such funds: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority provided by law.

SEC. ____16. Funds made available in Public Law 113–235 to the accounts of the National Institutes of Health that were available for obligation through fiscal year 2015 are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal year 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ____17. Section 675B(b)(3) of the Community Services Block Grant Act (42 U.S.C. 9906(b)(3)) shall not apply with respect to funds appropriated by the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) to carry out the Community Services Block Grant Act (42 U.S.C. 9901 et seq.): *Provided*, That the amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Subtitle C—Education

DEPARTMENT OF EDUCATION

EDUCATION STABILIZATION FUND

For an additional amount for ''Education Stabilization Fund'', $105,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

EDUCATION STABILIZATION FUND

SEC. ____21. (a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) not more than one half of 1 percent to the outlying areas on the basis of the terms and conditions for funding provided under this heading in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116–136); and

(2) one-half of 1 percent for the Secretary of the Interior for programs operated or funded by the Bureau of Indian Education, under the terms and conditions established for funding provided under this heading in the CARES Act (Public Law 116–136).

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section ___22 of this title.

(2) 67 percent to carry out section ___23 of this title.

(3) 28 percent to carry out section ___24 of this title.

GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND

SEC. ___22. (a) GRANTS.—From funds reserved under section ___21(b)(1) of this title, the Secretary shall make supplemental Emergency Education Relief grants to the Governor of each State with an approved application under section 18002 of division B of the CARES Act (Public Law 116–136). The Secretary shall award funds under this section to the Governor of each State with an approved application within 30 calendar days of enactment of this Act.

(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as ''ESEA'').

(c) USES OF FUNDS.—Grant funds awarded under subsection (b) may be used to—

(1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;

(2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and

(3) provide support to any other institution of higher education, local educational agency, or education related entity within the State that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in section ___23(e) of this title, the ESEA of 1965, the Higher Education Act of 1965, the provision of child care and early childhood education, social and emotional support, career and technical education, adult education, and the protection of education-related jobs.

(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within 6 months of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

(e) REPORT.—A Governor receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. ___23. (a) GRANTS.—From funds reserved under section ___21(b)(2) of this title, the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency with an approved application under section 18003 of division B of the CARES Act (Public Law 116–136). The Secretary shall award funds under this section to each State educational agency with an approved application within 15 calendar days of enactment of this Act.

(b) ALLOCATIONS TO STATES.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State in the same proportion as each State received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(c) SUBGRANTS.—From the payment provided by the Secretary under subsection (b), the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this subtitle. After carrying out the reservation of funds in section ___25 of this title, each State shall allocate not less than 90 percent of the remaining grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies) in the State in proportion to the amount of funds such local educational agencies and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year. The state educational agency shall make such subgrants to local educational agencies as follows—

(1) one-third of funds shall be awarded not less than 15 calendar days after receiving an award from the Secretary under this section; and

(2) the remaining two-thirds of funds shall be awarded only after the local educational agency submits to the Governor and the Governor approves a comprehensive school reopening plan for the 2020–2021 school-year, based on criteria determined by the Governor in consultation with the state educational agency (including criteria for the Governor to carry out subparagraph (A) through (C)), that describes how the local educational agency will safely reopen schools with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state academic standards. The Governor shall approve such plans within 30 days after the plan is submitted, subject to the requirements in subparagraphs (A) through (C).

(A) A local educational agency that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as it was defined by the local educational agency prior to the coronavirus emergency, shall have its plan automatically approved.

(B) A local educational agency that does not provide in-person instruction to any students where the students physically attend school in-person shall not be eligible to receive a subgrant under paragraph (2).

(C) A local educational agency that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in subparagraph (A) shall have its allocation reduced on a pro rata basis as determined by the Governor.

(d) PLAN CONTENTS.—A school reopening plan submitted to a Governor under subsection (c)(2) shall include, in addition to any other information necessary to meet the criteria determined by the Governor—

(1) A detailed timeline for when the local educational agency will provide in-person instruction, including the goals and criteria used for providing full-time in-person instruction to all students;

(2) A description of how many days of in-person instruction per calendar week the local educational agency plans to offer to students during the 2020–2021 school year; and

(3) An assurance that the local educational agency will offer students as much in-person instruction as is safe and practicable, consistent with maintaining safe and continuous operations aligned with challenging state academic standards.

(e) USES OF FUNDS.—

(1) A local educational agency or non-public school that receives funds under subsection (c)(1) or section ___25 may use funds for any of the following:

(A) Activities to support returning to in-person instruction, including purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools directly related to coronavirus.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

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

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

(G) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(H) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(I) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(J) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(2) A local educational agency that receives funds under subsection (c)(2) may use the funds for activities to carry out a comprehensive school reopening plan as described in this section, including:

(A) Purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementation of procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools, including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

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

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

(G) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(H) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(I) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(f) STATE FUNDING.—A State may reserve not more than 5 percent of the funds not otherwise allocated under subsection (c) and section ___25 for administrative costs and the remainder for emergency needs as determined by the state educational agency to address issues responding to coronavirus, which may be addressed through the use of grants or contracts.

(g) ASSURANCES.—A State, state educational agency, or local educational agency receiving funding under this section shall provide assurances, as applicable, that:

(1) A State, State educational agency, or local educational agency will maintain and expand access to high-quality schools, including high-quality public charter schools, and will not—

(A) enact policies to close or prevent the expansion of such schools to address revenue shortfalls that result in the disproportionate closure or denial of expansion of public charter schools that are otherwise meeting the terms of their charter for academic achievement; or

(B) disproportionally reduce funding to charter schools or otherwise increase funding gaps between charter schools and other public schools in the local educational agency.

(2) Allocations of funding and services provided from funds provided in this section to public charter schools are made on the same basis as is used for all public schools, consistent with state law and in consultation with charter school leaders.

(h) REPORT.—A State receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(i) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 4 months of receiving such funds and the Secretary shall deposit such funds into the general fund of the Treasury.

(j) RULE OF CONSTRUCTION.—

(1) The receipt of any funds authorized or appropriated under this section, including pursuant to section ___25 of this Act, by a nonprofit entity, or by any individual who has been admitted or applied for admission to such entity (or any parent or guardian of such individual), shall not be construed to render such entity or person a recipient of Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing programs, facilities, or employment practices except as required under this section.

(2) No State participating in any program under this section, including pursuant to section ___25 of this Act, shall impose any penalty or additional requirement upon, or otherwise disadvantage, such entity or person as a consequence or condition of its receipt of such funds.

(3) No State participating in any program under this section shall authorize any person or entity to use any funds authorized or appropriated under this section, including pursuant to section ___25 of this Act, except as provided by subsection (e), nor shall any such State impose any limits upon the use of any such funds except as provided by subsection (e).

HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. ___24. (a) IN GENERAL.—From funds reserved under section ___21(b)(3) of this title the Secretary shall allocate amounts as follows:

(1) 85 percent to each institution of higher education described in section 101 or section 102(c) of the Higher Education Act of 1965 to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 90 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 10 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(2) 10 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act to address needs directly related to coronavirus, that shall be in addition to awards made in section ___24(a)(1) of this title, and allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) and distributed to eligible institutions of higher education, except as otherwise provided in subparagraphs (A)–(D), on the basis of the formula described in section ___24(a)(1) of this title:

(A) Except as otherwise provided in subparagraph (B), for eligible institutions under part B of title III and subpart 4 of part A of title VII of the Higher Education Act, the Secretary shall allot to each eligible institution an amount using the following formula:

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

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

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

(B) For eligible institutions under section 326 of the Higher Education Act, the Secretary shall allot to each eligible institution an amount in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94);

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

(D) Notwithstanding section 318(f) of the Higher Education Act, for eligible institutions under section 318 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(e) of the Higher Education Act.

(3) 5 percent for grants to institutions of higher education that the Secretary determines, through an application process and after allocating funds under paragraphs ___24(a)(1) and (2) of this Act, have the greatest unmet needs related to coronavirus. In awarding funds to institutions of higher education under this paragraph the Secretary shall prioritize institutions of higher education—

(A) described under title I of the Higher Education Act of 1965 that were not eligible to receive an award under section ___24(a)(1) of this title, including institutions described in section 102(b) of the Higher Education Act of 1965; and

(B) that otherwise demonstrate significant needs related to coronavirus that were not addressed by funding allocated under subsections (a)(1) or (a)(2) of this section.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (a)(1) shall be distributed by the Secretary

using the same systems as the Secretary otherwise distributes funding to each institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) USES OF FUNDS.—An institution of higher education receiving funds under this section may use the funds received to:

(1) defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); and

(2) provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus.

(d) SPECIAL PROVISIONS.—

(1) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(2) An institution of higher education receiving funds under section 18004 of division B of the CARES Act (Public Law 116–136) may use those funds under the terms and conditions of section ___24(c) of this Act. Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) No funds received by an institution of higher education under this section shall be used to fund contractors for the provision of pre-enrollment recruitment activities; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.

(4) An institution of higher education that was required to remit payment to the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 4968 of the Internal Revenue Code of 1986 for tax year 2019 shall have their allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (c)(2). This paragraph shall not apply to an institution of higher education designated by the Secretary as an eligible institution under section 448 of the Higher Education Act of 1965.

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(f) REALLOCATION.—Any funds allocated to an institution of higher education under this section on the basis of a formula described in subsection (a)(1) or (a)(2) but for which an institution does not apply for funding within 60 days of the publication of the notice inviting applications, shall be reallocated to eligible institutions that had submitted an application by such date.

ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. ___25. (a) FUNDS AVAILABILITY.—From the payment provided by the Secretary under section ___23 of this title to a State educational agency, the State educational agency shall reserve an amount of funds equal to the percentage of students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency. Upon reserving funds under this section, the Governor of the State shall award such funds equally to each non-public school accredited or otherwise located in and licensed to operate in the State based on the number of low-income students enrolled in the non-public school as a share of all low-income students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency, subject to the requirements in subsection (b).

(b)(1) A non-public school that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as determined by the non-public school prior to the coronavirus emergency, shall be eligible for the full amount of assistance per student as prescribed under this section.

(2) A non-public school that does not provide in-person instruction to any students where the students physically attend school in-person shall only be eligible for one-third of the amount of assistance per student as prescribed under this section.

(3) A non-public school that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in paragraph (1) shall have its amount of assistance as prescribed under this section reduced on a pro rata basis, which shall be calculated using the same methodology as is used under section ___23(c)(2)(C) of this title.

(4) A Governor shall allocate not less than 50 percent of the funds reserved in this section to non-public schools within 30 days of receiving an award from the Secretary and the remaining 50 percent not less than 4 months after receiving an award from the Secretary.

CONTINUED PAYMENT TO EMPLOYEES

SEC. ___26. A local educational agency, State, institution of higher education, or other entity that receives funds under ''Education Stabilization Fund'', shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.

DEFINITIONS

SEC. ___27. Except as otherwise provided in sections ___21–___26 of this title, as used in such sections—

(1) the terms ''elementary education'' and ''secondary education'' have the meaning given such terms under State law;

(2) the term ''institution of higher education'' has the meaning given such term in title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(3) the term ''Secretary'' means the Secretary of Education;

(4) the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(5) the term ''cost of attendance'' has the meaning given such term in section 472 of the Higher Education Act of 1965;

(6) the term ''Non-public school'' means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

(7) the term ''public school'' means a public elementary or secondary school; and

(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

MAINTENANCE OF EFFORT

SEC. ___28. A State's application for funds to carry out sections ___22 or ___23 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and 2021 at least at the proportional levels of such State's support for elementary and secondary education and for higher education relative to such States overall spending in fiscal year 2019.

STUDENT AID ADMINISTRATION

For an additional amount for ''Student Aid Administration'', $40,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out part D of title I, and subparts 1, 3, 9 and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INSTITUTE OF EDUCATION SCIENCES

For an additional amount for ''Institute of Education Sciences'', $65,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out the National Assessment of Educational Progress Authorization Act (title III of Public Law 107–279): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For an additional amount for ''Program Administration'', $8,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $7,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this title to respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

SEC. ___29. Funds made available in Public Law 115–245 under the heading ''National Technical Institute for the Deaf'' that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ___30. Funds made available in Public Law 115–245 under the heading ''Gallaudet University'' that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ___31. Funds made available in Public Law 113–76 under the heading ''Innovation and Improvement'' that were available for obligation through December 31, 2014 for the Investing in Innovation program pursuant to the eighth and ninth provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ___32. Funds made available in Public Law 113–76 under the heading ''Rehabilitation Services and Disability Research'' that were available for obligation through fiscal year 2015 for the Automated Personalization Computing Project pursuant to the first four provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Subtitle D—Related Matters

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

For an additional amount for ''Corporation for Public Broadcasting,'' $175,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including for fiscal stabilization grants to public telecommunications entities, as defined by 47 U.S.C. 397(12), with no deduction for administrative or other costs of the Corporation, to maintain programming and services and preserve small and rural stations threatened by declines in non-Federal revenues: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. ___41. Not later than 30 days after the date of enactment of this Act, the Secretaries of Labor, Health and Human Services, and Education shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such plans shall be updated and submitted to such Committees every 60 days until September 30, 2024: *Provided further*, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds $5,000,000 which has not previously been reported, including the amount of each such obligation.

SEC. ___42. (a) The remaining unobligated balances of funds as of September 30, 2020, from amounts provided under the heading ''Corporation for National and Community Service—Operating Expenses'' in title IV of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2020, to remain available until September 30, 2021, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally provided in Public Law 116–94: *Provided*, That any amounts appropriated by the preceding proviso shall not be subject to the allotment requirements otherwise applicable under sections 129(a), (b), (d), and (e) of the National and Community Service Act of 1993: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b)(1) Subsection (b) of section 3514 of title III of division A of the CARES Act (Public Law 116–136) is hereby repealed, and shall be applied hereafter as if such subsection had never been enacted.

(2)(A) IN GENERAL.—The amounts provided under this subsection are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(B) DESIGNATION IN SENATE.—In the Senate, this subsection is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

(C) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this subsection—

(i) shall not be estimated for purposes of section 251 of such Act;

(ii) shall not be estimated for purposes of paragraph (4)(C) of section 3 of the Statutory Pay As-You-Go Act of 2010 as being included in an appropriation Act; and

(iii) shall be treated as if they were contained in a PAYGO Act, as defined by section 3(7) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 932(7)).

SA 2522. Mr. BLUNT (for himself, Mrs. CAPITO, and Mrs. HYDE-SMITH) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

NATIONAL INSTITUTES OF HEALTH

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For an additional amount for ''National Heart, Lung, and Blood Institute'', $290,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For an additional amount for ''National Institute of Diabetes and Digestive and Kidney Diseases'', $200,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for ''National Institute of Allergy and Infectious Diseases'', $480,555,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That $55,000,000 shall be for Regional Biocontainment Laboratories: *Provided further*, That funding provided in the previous proviso shall be divided evenly among the eleven laboratories: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For an additional amount for ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'', $172,680,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF MENTAL HEALTH

For an additional amount for ''National Institute of Mental Health'', $200,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For an additional amount for ''National Institute on Minority Health and Health Disparities'', $64,334,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For an additional amount for ''National Center for Advancing Translational Sciences'', $1,224,750,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director'', $12,905,337,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than $10,100,000,000 of the amount provided under this heading in this Act shall be for offsetting the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic: *Provided further*, That $1,325,337,000 of the amount provided under this heading in this Act shall be to support additional scientific research or the programs and platforms that support research: *Provided further*, That $1,240,000,000 of the amount provided under this heading in this Act shall be provided to accelerate the research and development of therapeutic interventions and vaccines in partnership: *Provided further*, that no less than $240,000,000 of the amount provided under this heading in this Act shall be for supplements to existing research training awards for extensions and other costs: *Provided further*, That funds available under this heading in this Act may be transferred to the accounts of Institutes and Centers of the NIH: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2523. Mr. BLUNT (for himself and Mr. DAINES) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'', $26,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made available under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this title will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That the Secretary shall ensure that protections remain for individuals enrolled in group or individual health care coverage with pre-existing conditions, including those linked to coronavirus: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F–4, the Covered Counter measure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, $20,000,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of manufacturing, production, and purchase, at the discretion of the Secretary, of vaccines, therapeutics, diagnostics, and small molecule active pharmaceutical ingredients, including the development, translation, and demonstration at scale of innovations in manufacturing platforms: *Provided further*, That funds in the previous proviso may be used for the construction or renovation of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That of the amount provided under this heading in this Act, $6,000,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track coronavirus vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That the Secretary shall coordinate funding and activities outlined in the previous proviso through the Director of CDC: *Provided further*, That the Secretary, through the Director of CDC, shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on a comprehensive coronavirus vaccine distribution strategy and spend plan that includes how existing infrastructure will be leveraged, enhancements or new infrastructure that may be built, considerations for moving and storing vaccines, guidance for how States and health care providers should prepare for, store, and administer vaccines, nationwide vaccination targets, funding that will be distributed to States, how an informational campaign to both the public and health care providers will be executed, and how the vaccine distribution plan will focus efforts on high risk, underserved, and minority populations: *Provided further*, That such plan shall be updated and provided to the Committees on Appropriations of the House of Representatives and the Senate 90 days after submission of the first plan: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate 2 days in advance of any obligation in excess of $50,000,000, including but not limited to contracts and interagency agreements, from funds provided in this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation of non-federally owned facilities for the production of vaccines, therapeutics, diagnostics, and medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That the not later than 30 days after enactment of this Act, and every 30 days thereafter until funds are expended, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on uses of funding for Operation Warp Speed, detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act that provided the source of funds: *Provided further*, That the plan outlined in the previous proviso shall include funding by contract, grant, or other transaction in excess of $20,000,000 with a notation of which Department or Agency, and component thereof is managing the contract: *Provided further*, That the Secretary shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (''Academies'') to develop a decision framework to assist domestic and global health authorities in planning an equitable distribution of coronavirus vaccines: *Provided further*, That the Academies, in developing the framework, shall consider equity criteria which may include consideration of risk factors related to health disparities and health care access, underlying health conditions, conditions faced by racial and ethnic minorities, individuals in higher-risk occupations, and first responders, geographic distribution of the coronavirus, and vaccine hesitancy: *Provided further*, That the Academies shall provide recommendations on vaccine distribution to the Advisory Committee on Immunization Practices not later than September 18, 2020: *Provided further*, That the agreement shall provide for an ongoing assessment by the Academies of how vaccine distribution meets equity criteria and recommendations for how vaccine distribution may better align with such criteria as applicable, which shall inform the Advisory Committee on Immunization Practices's prioritization recommendations and vaccine distribution activities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2524. Mr. BLUNT (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—

DEPARTMENT OF EDUCATION

EDUCATION STABILIZATION FUND

For an additional amount for ''Education Stabilization Fund'', $105,000,000,000, to remain available through September 30, 2021,

to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

EDUCATION STABILIZATION FUND

SEC. ____11. (a) ALLOCATIONS.— From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) not more than one half of 1 percent to the outlying areas on the basis of the terms and conditions for funding provided under this heading in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116–136); and

(2) one-half of 1 percent for the Secretary of the Interior for programs operated or funded by the Bureau of Indian Education, under the terms and conditions established for funding provided under this heading in the CARES Act (Public Law 116–136).

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section ____12 of this title.

(2) 67 percent to carry out section ____13 of this title.

(3) 28 percent to carry out section ____14 of this title.

GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND

SEC. ____12. (a) GRANTS.—From funds reserved under section ____11(b)(1) of this title, the Secretary shall make supplemental Emergency Education Relief grants to the Governor of each State with an approved application under section 18002 of division B of the CARES Act (Public Law 116–136). The Secretary shall award funds under this section to the Governor of each State with an approved application within 30 calendar days of enactment of this Act.

(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as ''ESEA'').

(c) USES OF FUNDS.—Grant funds awarded under subsection (b) may be used to—

(1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;

(2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and

(3) provide support to any other institution of higher education, local educational agency, or education related entity within the State that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in section ____13(e) of this title, the ESEA of 1965, the Higher Education Act of 1965, the provision of child care and early childhood education, social and emotional support, career and technical education, adult education, and the protection of education-related jobs.

(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within 6 months of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

(e) REPORT.—A Governor receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. ____13. (a) GRANTS.—From funds reserved under section ____11(b)(2) of this title, the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency with an approved application under section 18003 of division B of the CARES Act (Public Law 116–136). The Secretary shall award funds under this section to each State educational agency with an approved application within 15 calendar days of enactment of this Act.

(b) ALLOCATIONS TO STATES.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State in the same proportion as each State received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(c) SUBGRANTS.—From the payment provided by the Secretary under subsection (b), the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this title relating to the Department of Education. After carrying out the reservation of funds in section ____15 of this title, each State shall allocate not less than 90 percent of the remaining grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies) in the State in proportion to the amount of funds such local educational agencies and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year. The state educational agency shall make such subgrants to local educational agencies as follows—

(1) one-third of funds shall be awarded not less than 15 calendar days after receiving an award from the Secretary under this section; and

(2) the remaining two-thirds of funds shall be awarded only after the local educational agency submits to the Governor and the Governor approves a comprehensive school reopening plan for the 2020–2021 school-year, based on criteria determined by the Governor in consultation with the state educational agency (including criteria for the Governor to carry out subparagraph (A) through (C)), that describes how the local educational agency will safely reopen schools with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state academic standards. The Governor shall approve such plans within 30 days after the plan is submitted, subject to the requirements in subparagraphs (A) through (C).

(A) A local educational agency that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as it was defined by the local educational agency prior to the coronavirus emergency, shall have its plan automatically approved.

(B) A local educational agency that does not provide in-person instruction to any students where the students physically attend school in-person shall not be eligible to receive a subgrant under paragraph (2).

(C) A local educational agency that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in subparagraph (A) shall have its allocation reduced on a pro rata basis as determined by the Governor.

(d) PLAN CONTENTS.—A school reopening plan submitted to a Governor under subsection (c)(2) shall include, in addition to any other information necessary to meet the criteria determined by the Governor—

(1) A detailed timeline for when the local educational agency will provide in-person instruction, including the goals and criteria used for providing full-time in-person instruction to all students;

(2) A description of how many days of in-person instruction per calendar week the local educational agency plans to offer to students during the 2020–2021 school year; and

(3) An assurance that the local educational agency will offer students as much in-person instruction as is safe and practicable, consistent with maintaining safe and continuous operations aligned with challenging state academic standards.

(e) USES OF FUNDS.—

(1) A local educational agency or non-public school that receives funds under subsection (c)(1) or section ____15 may use funds for any of the following:

(A) Activities to support returning to in-person instruction, including purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools directly related to coronavirus.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

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

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

(G) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals

with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(H) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(I) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(J) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(2) A local educational agency that receives funds under subsection (c)(2) may use the funds for activities to carry out a comprehensive school reopening plan as described in this section, including:

(A) Purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementation of procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools, including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

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

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

(G) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(H) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(I) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(f) STATE FUNDING.—A State may reserve not more than 5 percent of the funds not otherwise allocated under subsection (c) and section ___15 for administrative costs and the remainder for emergency needs as determined by the state educational agency to address issues responding to coronavirus, which may be addressed through the use of grants or contracts.

(g) ASSURANCES.—A State, state educational agency, or local educational agency receiving funding under this section shall provide assurances, as applicable, that:

(1) A State, State educational agency, or local educational agency will maintain and expand access to high-quality schools, including high-quality public charter schools, and will not—

(A) enact policies to close or prevent the expansion of such schools to address revenue shortfalls that result in the disproportionate closure or denial of expansion of public charter schools that are otherwise meeting the terms of their charter for academic achievement; or

(B) disproportionally reduce funding to charter schools or otherwise increase funding gaps between charter schools and other public schools in the local educational agency.

(2) Allocations of funding and services provided from funds provided in this section to public charter schools are made on the same basis as is used for all public schools, consistent with state law and in consultation with charter school leaders.

(h) REPORT.—A State receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(i) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 4 months of receiving such funds and the Secretary shall deposit such funds into the general fund of the Treasury.

(j) RULE OF CONSTRUCTION.—

(1) The receipt of any funds authorized or appropriated under this section, including pursuant to section ___15 of this Act, by a nonprofit entity, or by any individual who has been admitted or applied for admission to such entity (or any parent or guardian of such individual), shall not be construed to render such entity or person a recipient of Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing programs, facilities, or employment practices except as required under this section.

(2) No State participating in any program under this section, including pursuant to section ___15 of this Act, shall impose any penalty or additional requirement upon, or otherwise disadvantage, such entity or person as a consequence or condition of its receipt of such funds.

(3) No State participating in any program under this section shall authorize any person or entity to use any funds authorized or appropriated under this section, including pursuant to section ___15 of this Act, except as provided by subsection (e), nor shall any such State impose any limits upon the use of any such funds except as provided by subsection (e).

HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. ___14. (a) IN GENERAL.—From funds reserved under section ___11(b)(3) of this title the Secretary shall allocate amounts as follows:

(1) 85 percent to each institution of higher education described in section 101 or section 102(c) of the Higher Education Act of 1965 to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 90 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 10 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(2) 10 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act to address needs directly related to coronavirus, that shall be in addition to awards made in section ___14(a)(1) of this title, and allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) and distributed to eligible institutions of higher education, except as otherwise provided in subparagraphs (A)–(D), on the basis of the formula described in section ___14(a)(1) of this title:

(A) Except as otherwise provided in subparagraph (B), for eligible institutions under part B of title III and subpart 4 of part A of title VII of the Higher Education Act, the Secretary shall allot to each eligible institution an amount using the following formula:

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

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

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

(B) For eligible institutions under section 326 of the Higher Education Act, the Secretary shall allot to each eligible institution an amount in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94);

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

(D) Notwithstanding section 318(f) of the Higher Education Act, for eligible institutions under section 318 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(e) of the Higher Education Act.

(3) 5 percent for grants to institutions of higher education that the Secretary determines, through an application process and after allocating funds under paragraphs ___14(a)(1) and (2) of this Act, have the greatest unmet needs related to coronavirus. In awarding funds to institutions of higher education under this paragraph the Secretary shall prioritize institutions of higher education—

(A) described under title I of the Higher Education Act of 1965 that were not eligible to receive an award under section ____14(a)(1) of this title, including institutions described in section 102(b) of the Higher Education Act of 1965; and

(B) that otherwise demonstrate significant needs related to coronavirus that were not addressed by funding allocated under subsections (a)(1) or (a)(2) of this section.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (a)(1) shall be distributed by the Secretary using the same systems as the Secretary otherwise distributes funding to each institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) USES OF FUNDS.—An institution of higher education receiving funds under this section may use the funds received to:

(1) defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); and

(2) provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus.

(d) SPECIAL PROVISIONS.—

(1) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(2) An institution of higher education receiving funds under section 18004 of division B of the CARES Act (Public Law 116–136) may use those funds under the terms and conditions of section ____14(c) of this Act. Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) No funds received by an institution of higher education under this section shall be used to fund contractors for the provision of pre-enrollment recruitment activities; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.

(4) An institution of higher education that was required to remit payment to the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 4968 of the Internal Revenue Code of 1986 for tax year 2019 shall have their allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (c)(2). This paragraph shall not apply to an institution of higher education designated by the Secretary as an eligible institution under section 448 of the Higher Education Act of 1965.

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(f) REALLOCATION.—Any funds allocated to an institution of higher education under this section on the basis of a formula described in subsection (a)(1) or (a)(2) but for which an institution does not apply for funding within 60 days of the publication of the notice inviting applications, shall be reallocated to eligible institutions that had submitted an application by such date.

ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. ____15. (a) FUNDS AVAILABILITY.—From the payment provided by the Secretary under section ____13 of this title to a State educational agency, the State educational agency shall reserve an amount of funds equal to the percentage of students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency. Upon reserving funds under this section, the Governor of the State shall award such funds equally to each non-public school accredited or otherwise located in and licensed to operate in the State based on the number of low-income students enrolled in the non-public school as a share of all low-income students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency, subject to the requirements in subsection (b).

(b)(1) A non-public school that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as determined by the non-public school prior to the coronavirus emergency, shall be eligible for the full amount of assistance per student as prescribed under this section.

(2) A non-public school that does not provide in-person instruction to any students where the students physically attend school in-person shall only be eligible for one-third of the amount of assistance per student as prescribed under this section.

(3) A non-public school that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in paragraph (1) shall have its amount of assistance as prescribed under this section reduced on a pro rata basis, which shall be calculated using the same methodology as is used under section ____13(c)(2)(C) of this title.

(4) A Governor shall allocate not less than 50 percent of the funds reserved in this section to non-public schools within 30 days of receiving an award from the Secretary and the remaining 50 percent not less than 4 months after receiving an award from the Secretary.

CONTINUED PAYMENT TO EMPLOYEES

SEC. ____16. A local educational agency, State, institution of higher education, or other entity that receives funds under ''Education Stabilization Fund'', shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.

DEFINITIONS

SEC. ____17. Except as otherwise provided in sections ____11–____16 of this title, as used in such sections—

(1) the terms ''elementary education'' and ''secondary education'' have the meaning given such terms under State law;

(2) the term ''institution of higher education'' has the meaning given such term in title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(3) the term ''Secretary'' means the Secretary of Education;

(4) the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(5) the term ''cost of attendance'' has the meaning given such term in section 472 of the Higher Education Act of 1965.

(6) the term ''Non-public school'' means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

(7) the term ''public school'' means a public elementary or secondary school; and

(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

MAINTENANCE OF EFFORT

SEC. ____18. A State's application for funds to carry out sections ____12 or ____13 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and 2021 at least at the proportional levels of such State's support for elementary and secondary education and for higher education relative to such States overall spending in fiscal year 2019.

STUDENT AID ADMINISTRATION

For an additional amount for ''Student Aid Administration'', $40,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out part D of title I, and subparts 1, 3, 9 and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INSTITUTE OF EDUCATION SCIENCES

For an additional amount for ''Institute of Education Sciences'', $65,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out the National Assessment of Educational Progress Authorization Act (title III of Public Law 107–279): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For an additional amount for ''Program Administration'', $8,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $7,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this title to respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

SEC. ____19. Funds made available in Public Law 115–245 under the heading ''National

Technical Institute for the Deaf'' that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ___20. Funds made available in Public Law 115–245 under the heading ''Gallaudet University'' that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ___21. Funds made available in Public Law 113–76 under the heading ''Innovation and Improvement'' that were available for obligation through December 31, 2014 for the Investing in Innovation program pursuant to the eighth and ninth provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ___22. Funds made available in Public Law 113–76 under the heading ''Rehabilitation Services and Disability Research'' that were available for obligation through fiscal year 2015 for the Automated Personalization Computing Project pursuant to the first four provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2525. Mr. BLUNT submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—DEPARTMENTS OF LABOR, HEALTH AND HUMAN SERVICES, AND EDUCATION, AND RELATED AGENCIES

Subtitle A—Labor

DEPARTMENT OF LABOR

EMPLOYMENT AND TRAINING ADMINISTRATION

TRAINING AND EMPLOYMENT SERVICES

For an additional amount for ''Training and Employment Services'', $950,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be used as follows:

(1) $500,000,000 for grants to States for dislocated worker employment and training activities, including training services provided through individual training accounts, incumbent worker training, transitional jobs, customized training, on-the-job training, the identification of training providers including online providers, and activities to facilitate remote access to employment and training services through a one-stop center that lead to employment in high-skill, high-wage, or in-demand industry sectors or occupations, including health care, direct care, and manufacturing;

(2) $150,000,000 for grants to States for youth workforce investment activities: *Provided*, That a local board shall not be required to meet the requirements of section 129(a)(4)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3164(a)(4)(A)): *Provided further*, That each State and local area receiving funds under this paragraph in this Act for youth workforce investment activities shall give priority to out-of-school youth and eligible youth who are members of one or more populations listed in section 3(24) of such Act (29 U.S.C. 3102(24));

(3) $150,000,000 for adult employment and training activities; and

(4) $150,000,000 for the dislocated workers assistance national reserve:

Provided further, That notwithstanding section 128(a) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(a)), the Governor may reserve up to 25 percent of the funds allotted under each of paragraphs (1), (2), and (3) under this heading in this Act for statewide activities described in sections 129(b) and 134(a) of such Act: *Provided further*, That notwithstanding section 128(b)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3163(b)(4)), local areas may use not more than 20 percent of the funds allocated to the local area under each of paragraphs (1), (2), and (3) under this heading in this Act for administrative costs: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS

For an additional amount for ''State Unemployment Insurance and Employment Service Operations'', $1,504,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (''The Trust Fund''), of which:

(1) $1,115,500,000 from the Trust Fund to remain available through December 31, 2021, is for grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act including grants to upgrade information technology to improve the administration and processing of unemployment compensation claims: *Provided*, That, the Secretary may distribute such amounts, with respect to upgrading information technology, based on the condition and needs of the State information technology systems or other appropriate factors, which may include the ratio described under section 903(a)(2)(B) of the Social Security Act: *Provided further*, That funds provided for information technology under this heading in this Act shall be available for obligation by the States through September 30, 2027 and available for expenditure by the States through September 30, 2028;

(2) $38,500,000 from the Trust Fund is for national activities necessary to support the administration of the Federal-State unemployment insurance system, to remain available through September 30, 2021; and

(3) $350,000,000 from the Trust Fund is for grants to States in accordance with section 6 of the Wagner-Peyser Act, to remain available through June 30, 2021:

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

DEPARTMENTAL MANAGEMENT

SALARIES AND EXPENSES

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Departmental Management'', $15,600,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, including to enforce worker protection laws and regulations, and to oversee and coordinate activities related to division C, division D, division E, and division F of Public Law 116–127, and activities under Public Law 116–136: *Provided*, That the Secretary of Labor may transfer the amounts provided under this heading in this Act as necessary to ''Employment and Training Administration—Program Administration'', ''Employee Benefits Security Administration'', ''Wage and Hour Division'', Office of Workers' Compensation Programs'', ''Occupational Safety and Health Administration'', and ''Mine Safety and Health Administration'', to prevent, prepare for, and respond to coronavirus, including for enforcement, oversight, and coordination activities in those accounts: *Provided further*, That of the amount provided under this heading in this Act, $5,000,000, to remain available until expended, shall be transferred to ''Office of Inspector General'', for oversight of activities related to Public Law 116–127 and Public Law 116–136 and for oversight activities supported with funds appropriated to the Department of Labor to prevent, prepare for, and respond to coronavirus: *Provided further*, That 15 days prior to transferring any funds pursuant to the previous provisos under the heading in this Act, the Secretary shall provide to the Committees on Appropriations of the House of Representatives and the Senate an operating plan describing the planned uses of each amount proposed to be transferred: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISION

SEC. ___01. Paragraph (1) under the heading ''Department of Labor—Veterans Employment and Training'' of title I of division A of Public Law 116–94 is amended by striking ''obligation by the States through December 31, 2020'' and inserting ''expenditure by the States through September 30, 2022'': *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Subtitle B—Health and Human Services

DEPARTMENT OF HEALTH AND HUMAN SERVICES

CENTERS FOR DISEASE CONTROL AND PREVENTION

CDC-WIDE ACTIVITIES AND PROGRAM SUPPORT

For an additional amount for ''CDC-Wide Activities and Program Support'', $3,400,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount provided under this heading in this Act, not less than $1,500,000,000 shall be for grants to or cooperative agreements with States, localities, territories, tribes, tribal

organizations, urban Indian health organizations, or health service providers to tribes, including to carry out surveillance, epidemiology, laboratory capacity, infection control, immunization activity, mitigation, communications, and other preparedness and response activities: *Provided further*, That the amounts included in the previous proviso shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That of the amount in the first proviso, not less than $125,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Director of the Centers for Disease Control and Prevention (''CDC'') may satisfy the funding thresholds outlined in the first and third provisos by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That of the amount provided under this heading in this Act, up to $500,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track seasonal influenza vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further,* That funds provided under this heading in this Act may reimburse CDC obligations incurred for coronavirus vaccine planning, preparation, promotion, and distribution prior to the enactment of this Act: *Provided further*, That CDC shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on an enhanced seasonal influenza vaccination strategy to include nationwide vaccination goals and specific actions that CDC will take to achieve such goals: *Provided further*, That of the amount provided under this heading in this Act, not less than $200,000,000 shall be for global disease detection and emergency response to be coordinated with funds provided in Public Law 116–123 and Public Law 116–136 to global disease detection and emergency response to support CDC-led global health security response including CDC regional planning efforts: *Provided further*, That CDC shall provide an update to the global health security report required in Public Law 116-94 within 90 days of enactment of this Act that shall include a spend plan for funds appropriated in the previous proviso and funds appropriated for global disease detection and emergency response in Public Law 116–123 and Public Law 116–136: *Provided further*, That such spend plan shall describe the regions and countries that CDC will prioritize and describe how CDC and USAID are coordinating during planning and implementation: *Provided further*, That within one year of enactment of this Act and every 365 days thereafter until funds provided in the eighth proviso in this paragraph and in Public Law 116–123 and Public Law 116–136 for global disease detection and emergency response are expended, CDC shall provide an evaluation outlining how investments in countering global health threats, as well as investments made by region or country, as applicable, have improved infectious disease response capability in the region or country and additional progress needed: *Provided further*, That of the amount provided under this heading in this Act, not less than $200,000,000 shall be for public health data surveillance and analytics modernization to be coordinated with funds provided in Public Law 116–136 to support CDC-led data modernization efforts to improve disease reporting across the country: *Provided further*, That CDC shall update the public health data surveillance and IT systems modernization report to the Committees on Appropriations of the House of Representatives and the Senate required by Public Law 116–94 within 180 days of enactment of this Act and every 365 days thereafter until funds provided under this heading in this Act and in Public Law 116–136 for public health surveillance and data collection modernization are expended: *Provided further*, That such report shall include an assessment of the progress State and territorial public health lab grantees have had in meeting data modernization goals, an assessment of the progress CDC internal public health data systems have had meeting data modernization goals, and a detailed plan for CDC's long-term data modernization goals, including how CDC will receive near real-time data across the disease reporting platforms: *Provided further*, That funds appropriated under this heading in this Act may be used for grants for the rent, lease, purchase, acquisition, construction, alteration, or renovation of non-federally owned facilities to improve preparedness and response capability at the State, territorial, tribal, and local level: *Provided further*, That funds provided under this heading in this Act may be used for purchase and insurance of official motor vehicles in foreign countries: *Provided further*, That of the amount provided under this heading in this Act, $1,000,000 shall be to develop and maintain a data system to be known as the Public Safety Officer Suicide Reporting System, to collect data on the suicide incidence among public safety officers; and facilitate the study of successful interventions to reduce suicide among public safety officers: *Provided further*, That such system shall be integrated into the National Violent Death Reporting System: *Provided further*, That amounts repurposed under this heading in this Act that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTES OF HEALTH

NATIONAL HEART, LUNG, AND BLOOD INSTITUTE

For an additional amount for ''National Heart, Lung, and Blood Institute'', $290,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF DIABETES AND DIGESTIVE AND KIDNEY DISEASES

For an additional amount for ''National Institute of Diabetes and Digestive and Kidney Diseases'', $200,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF ALLERGY AND INFECTIOUS DISEASES

For an additional amount for ''National Institute of Allergy and Infectious Diseases'', $480,555,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That $55,000,000 shall be for Regional Biocontainment Laboratories: *Provided further*, That funding provided in the previous proviso shall be divided evenly among the eleven laboratories: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

EUNICE KENNEDY SHRIVER NATIONAL INSTITUTE OF CHILD HEALTH AND HUMAN DEVELOPMENT

For an additional amount for ''Eunice Kennedy Shriver National Institute of Child Health and Human Development'', $172,680,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE OF MENTAL HEALTH

For an additional amount for ''National Institute of Mental Health'', $200,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL INSTITUTE ON MINORITY HEALTH AND HEALTH DISPARITIES

For an additional amount for ''National Institute on Minority Health and Health Disparities'', $64,334,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

NATIONAL CENTER FOR ADVANCING TRANSLATIONAL SCIENCES

For an additional amount for ''National Center for Advancing Translational Sciences'', $1,224,750,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE DIRECTOR

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Office of the Director'', $12,905,337,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That not less than $10,100,000,000 of the amount provided under this heading in this Act shall be for offsetting the costs related to reductions in lab productivity resulting from the coronavirus pandemic or public health measures related to the coronavirus pandemic: *Provided further*, That $1,325,337,000 of the amount provided under this heading in this Act shall be to support additional scientific research or the programs and platforms that support research: *Provided further*, That $1,240,000,000 of the amount provided under this heading in this Act shall be provided to accelerate the research and development of therapeutic interventions and vaccines in partnership: *Provided further*, that no less than $240,000,000 of the amount provided under this heading in this Act shall be for supplements to existing research training

awards for extensions and other costs: *Provided further*, That funds available under this heading in this Act may be transferred to the accounts of Institutes and Centers of the NIH: *Provided further*, That this transfer authority is in addition to any other transfer authority available to the NIH: *Provided further*, That the Director shall enter into an agreement with the National Academies of Sciences, Engineering, and Medicine (''Academies'') to develop a decision framework to assist domestic and global health authorities in planning an equitable allocation of coronavirus vaccines: *Provided further*, That the Academies shall consider equity criteria which may include consideration of risk factors related to health disparities and health care access, underlying health conditions, racial and ethnic minorities, higher-risk occupations, first responders, geographic distribution of the virus, and vaccine hesitancy: *Provided further*, That the Academies shall provide recommendations to the Advisory Committee on Immunization Practices no later than September 18, 2020: *Provided further*, That the agreement shall include an ongoing assessment of how vaccine distribution meets equity criteria and recommendations for how vaccine distribution may better align with such criteria as applicable which shall inform the Advisory Committee on Immunization Practices prioritization recommendations and vaccine distribution activities: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for ''Heath Surveillance and Program Support'', $4,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, $1,500,000,000 shall be for grants for the substance abuse prevention and treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act (''PHS Act''): *Provided further*, That of the amount appropriated under this heading in this Act, $2,000,000,000 shall be for grants for the community mental health services block grant program under subpart I of part B of title XIX of the PHS Act: *Provided further*, That of the amount appropriated in the previous proviso, the Assistant Secretary is directed to provide no less than 50 percent of funds directly to facilities defined in section 1913(c) of the PHS Act: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $600,000,000 is available for Certified Community Behavioral Health Clinic Expansion Grant program: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $50,000,000 shall be available for suicide prevention programs: *Provided further*, That of the amount appropriated under this heading in this Act, $100,000,000 shall be for activities and services under Project AWARE: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $250,000,000 is available for activities authorized under section 501(o) of the PHS Act: *Provided further*, That from within the amount appropriated under this heading in this Act in the previous provisos, a total of not less than $15,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral health service providers to tribes: *Provided further*, That with respect to the amount appropriated under this heading in this Act the Substance Abuse and Mental Health Services Administration may waive requirements with respect to allowable activities, timelines, or reporting requirements for the Substance Abuse Prevention and Treatment Block Grant and the Community Mental Health Services Block Grant as deemed necessary to facilitate a grantee's response to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CENTERS FOR MEDICARE & MEDICAID SERVICES

PROGRAM MANAGEMENT

For an additional amount for ''Program Management'', $150,000,000, to remain available through September 30, 2023, to prevent, prepare for, and respond to coronavirus, domestically and internationally: *Provided*, That amounts appropriated under this heading in this Act shall be for Centers for Medicare and Medicaid Services (''CMS'') strike teams for resident and employee safety in skilled nursing facilities and nursing facilities, including activities to support clinical care, infection control, and staffing: *Provided further*, That CMS shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate 30 days after enactment of this Act outlining a plan for executing strike team efforts, including how safety and infection control measures will be assessed, how facilities will be chosen, and the frequency by which skilled nursing facilities and nursing facilities will be visited: *Provided further*, That CMS shall administer section 223 of Public Law 113–93 and consult with the Substance Abuse and Mental Health Services Administration, as necessary: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR CHILDREN AND FAMILIES

LOW INCOME HOME ENERGY ASSISTANCE

For an additional amount for ''Low Income Home Energy Assistance'', $1,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, or respond to coronavirus, domestically or internationally, which shall be for making payments under subsection (b) of section 2602 of the Low-Income Home Energy Assistance Act of 1981 (42 U.S.C. 8621 et seq.): *Provided*, That of the amount provided under this heading in this Act, $375,000,000 shall be allocated as though the total appropriation for such payments for fiscal year 2020 was less than $1,975,000,000: *Provided further*, That section 2607(b)(2)(B) of such Act (42 U.S.C. 8626(b)(2)(B)) shall not apply to funds made available under this heading in this Act in fiscal year 2020: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

PAYMENTS TO STATES FOR THE CHILD CARE AND DEVELOPMENT BLOCK GRANT

For an additional amount for ''Payments to States for the Child Care and Development Block Grant'', $5,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for Federal administrative expenses, which shall be used to supplement, not supplant State, Territory, and Tribal general revenue funds for child care assistance for low-income families within the United States (including territories) without regard to requirements in sections 658E(c)(3)(D)–(E) or 658G of the Child Care and Development Block Grant Act: *Provided*, That funds provided under this heading in this Act may be used to provide continued payments and assistance to child care providers in the case of decreased enrollment or closures related to coronavirus, and to assure they are able to remain open or reopen as appropriate and applicable: *Provided further*, That States, Territories, and Tribes are encouraged to place conditions on payments to child care providers that ensure that child care providers use a portion of funds received to continue to pay the salaries and wages of staff: *Provided further*, That the Secretary shall remind States that CCDBG State plans do not need to be amended prior to utilizing existing authorities in the CCDBG Act for the purposes provided herein: *Provided further*, That States, Territories, and Tribes are authorized to use funds appropriated under this heading in this Act to provide child care assistance to health care sector employees, emergency responders, sanitation workers, and other workers deemed essential during the response to coronavirus by public officials, without regard to the income eligibility requirements of section 658P(4) of such Act: *Provided further*, That funds appropriated under this heading in this Act shall be available to eligible child care providers under section 658P(6) of the CCDBG Act, even if such providers were not receiving CCDBG assistance prior to the public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319, for the purposes of cleaning and sanitation, and other activities necessary to maintain or resume the operation of programs: *Provided further*, That payments made under this heading in this Act may be obligated in this fiscal year or the succeeding two fiscal years: *Provided further*, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

CHILDREN AND FAMILIES SERVICES PROGRAMS

For an additional amount for ''Children and Families Services Programs'', $190,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for Federal administrative expenses, which shall be used as follows:

(1) $65,000,000 for Family Violence Prevention and Services grants as authorized by section 303(a) and 303(b) of the Family Violence and Prevention and Services Act with such funds available to grantees without regard to matching requirements under section 306(c)(4) of such Act, of which $2,000,000 shall be for the National Domestic Violence Hotline: *Provided*, That the Secretary may make such funds available for providing temporary housing and assistance to victims of family, domestic, and dating violence;

(2) $75,000,000 for child welfare services as authorized by subpart 1 of part B of title IV of the Social Security Act (other than sections 426, 427, and 429 of such subpart), with such funds available to grantees without regard to matching requirements under section 424(a) of that Act or any applicable reductions in Federal financial participation under section 424(f) of that Act; and

(3) $50,000,000 for necessary expenses for community-based grants for the prevention

of child abuse and neglect under section 209 of the Child Abuse Prevention and Treatment Act, which the Secretary shall make available without regard to section 203(b)(1) and 204(4) of such Act:

Provided further, That funds appropriated under this heading in this Act may be made available to restore amounts, either directly or through reimbursement, for obligations incurred to prevent, prepare for, and respond to coronavirus, domestically or internationally, prior to the date of enactment of this Act: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

BACK TO WORK CHILD CARE GRANTS

For an additional amount for ''Back to Work Child Care Grants'', $10,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for activities to carry out Back to Work Child Care Grants to qualified child care providers, for a transition period of not more than 9 months to assist in paying for fixed costs and increased operating expenses due to COVID–19, and to reenroll children in an environment that supports the health and safety of children and staff: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

ADMINISTRATION FOR COMMUNITY LIVING

AGING AND DISABILITY SERVICES PROGRAMS

For an additional amount for ''Aging and Disability Services Programs'', $75,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount made available under this heading in this Act to prevent, prepare for, and respond to coronavirus, $58,000,000 shall be for activities authorized under the Older Americans Act of 1965 (''OAA''), including $3,000,000 to implement a demonstration program on strategies to recruit, retain, and advance direct care workers under section 411(a)(13) of the OAA; $35,000,000 for supportive services under part B of title III of the OAA; and $20,000,000 for support services for family caregivers under part E of title III of the OAA: *Provided further*, That of the amount made available under this heading in this Act, $10,000,000 shall be available to support protection and advocacy systems, as described under subtitle C of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (42 U.S.C. 15041 et seq.): *Provided further*, That of the amount made available under this heading in this Act, $2,000,000 shall be for training, technical assistance, and resource centers authorized under sections 202(a) and 411 of the OAA; training and technical assistance to centers for independent living as authorized under section 721(b) of the Rehabilitation Act of 1973 (except that the reservations under paragraph (1) of such section shall not apply); technical assistance by the Secretary of Health and Human Services (''Secretary'') to State Councils on Developmental Disabilities as authorized under subtitle B of title I of the Developmental Disabilities Assistance and Bill of Rights Act of 2000 (except that the reservations under section 129(b) of such Act shall not apply); technical assistance by the Secretary to protection and advocacy systems as authorized under subtitle C of such title (except that the limits under section 142(a)(6) of such Act shall not apply); and technical assistance to University Centers for Excellence in Developmental Disabilities Education, Research, and Service as authorized under section 151(c) of such Act (except that the reservations under section 156(a)(3)(B) of such Act shall not apply): *Provided further*, That of the amount made available under this heading in this Act, $5,000,000 shall be for activities authorized in the Assistive Technology Act of 2004: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'', $29,000,000,000, to remain available until September 30, 2024, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including the development of necessary countermeasures and vaccines, prioritizing platform-based technologies with U.S.-based manufacturing capabilities, the purchase of vaccines, therapeutics, diagnostics, necessary medical supplies, as well as medical surge capacity, addressing blood supply chain, workforce modernization, telehealth access and infrastructure, initial advanced manufacturing, novel dispensing, enhancements to the U.S. Commissioned Corps, and other preparedness and response activities: *Provided*, That funds appropriated under this paragraph in this Act may be used to develop and demonstrate innovations and enhancements to manufacturing platforms to support such capabilities: *Provided further*, That the Secretary of Health and Human Services shall purchase vaccines developed using funds made available under this paragraph in this Act to respond to an outbreak or pandemic related to coronavirus in quantities determined by the Secretary to be adequate to address the public health need: *Provided further*, That products purchased by the Federal government with funds made available under this paragraph in this Act, including vaccines, therapeutics, and diagnostics, shall be purchased in accordance with Federal Acquisition Regulation guidance on fair and reasonable pricing: *Provided further*, That the Secretary may take such measures authorized under current law to ensure that vaccines, therapeutics, and diagnostics developed from funds provided in this title will be affordable in the commercial market: *Provided further*, That in carrying out the previous proviso, the Secretary shall not take actions that delay the development of such products: *Provided further*, That the Secretary shall ensure that protections remain for individuals enrolled in group or individual health care coverage with pre-existing conditions, including those linked to coronavirus: *Provided further*, That products purchased with funds appropriated under this paragraph in this Act may, at the discretion of the Secretary of Health and Human Services, be deposited in the Strategic National Stockpile under section 319F–2 of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, not more than $2,000,000,000 shall be for the Strategic National Stockpile under section 319F–2(a) of such Act: *Provided further*, That funds appropriated under this paragraph in this Act may be transferred to, and merged with, the fund authorized by section 319F–4, the Covered Counter measure Process Fund, of the Public Health Service Act: *Provided further*, That of the amount appropriated under this paragraph in this Act, $20,000,000,000 shall be available to the Biomedical Advanced Research and Development Authority for necessary expenses of manufacturing, production, and purchase, at the discretion of the Secretary, of vaccines, therapeutics, diagnostics, and small molecule active pharmaceutical ingredients, including the development, translation, and demonstration at scale of innovations in manufacturing platforms: *Provided further*, That funds in the previous proviso may be used for the construction or renovation of U.S.-based next generation manufacturing facilities, other than facilities owned by the United States Government: *Provided further*, That of the amount provided under this heading in this Act, $6,000,000,000 shall be for activities to plan, prepare for, promote, distribute, administer, monitor, and track coronavirus vaccines to ensure broad-based distribution, access, and vaccine coverage: *Provided further*, That the Secretary shall coordinate funding and activities outlined in the previous proviso through the Director of CDC: *Provided further*, That the Secretary, through the Director of CDC, shall report to the Committees on Appropriations of the House of Representatives and the Senate within 60 days of enactment of this Act on a comprehensive coronavirus vaccine distribution strategy and spend plan that includes how existing infrastructure will be leveraged, enhancements or new infrastructure that may be built, considerations for moving and storing vaccines, guidance for how States and health care providers should prepare for, store, and administer vaccines, nationwide vaccination targets, funding that will be distributed to States, how an informational campaign to both the public and health care providers will be executed, and how the vaccine distribution plan will focus efforts on high risk, underserved, and minority populations: *Provided further*, That such plan shall be updated and provided to the Committees on Appropriations of the House of Representatives and the Senate 90 days after submission of the first plan: *Provided further*, That the Secretary shall notify the Committees on Appropriations of the House of Representatives and the Senate 2 days in advance of any obligation in excess of $50,000,000, including but not limited to contracts and interagency agreements, from funds provided in this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act may be used for the construction, alteration, or renovation of non-federally owned facilities for the production of vaccines, therapeutics, diagnostics, and medical supplies where the Secretary determines that such a contract is necessary to secure sufficient amounts of such supplies: *Provided further*, That the not later than 30 days after enactment of this Act, and every 30 days thereafter until funds are expended, the Secretary shall report to the Committees on Appropriations of the House of Representatives and the Senate on uses of funding for Operation Warp Speed, detailing current obligations by Department or Agency, or component thereof broken out by the coronavirus supplemental appropriations Act that provided the source of funds: *Provided further*, That the plan outlined in the previous proviso shall include funding by contract, grant, or other transaction in excess of $20,000,000 with a notation of which Department or Agency, and component thereof is managing the contract: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for ''Public Health and Social Services Emergency Fund'', $8,085,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically

or internationally: *Provided*, That $7,600,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to ''Health Resources and Services Administration—Primary Health Care'' for grants, cooperative agreements, and other necessary expenses under the Health Centers Program, as defined by section 330 of the PHS Act, including funding for alteration, renovation, construction, equipment, and other capital improvement costs, and including funding to support, maintain, or increase health center capacity and staffing levels, as necessary, to meet the needs of areas affected by coronavirus: *Provided further*, That sections 330(r)(2)(B), 330(e)(3), 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) of the PHS Act shall not apply to funds in the preceding proviso: *Provided further*, That funding made available under this paragraph in this Act shall not be subject to requirements under the National Environmental Policy Act of 1969 or the National Historic Preservation Act of 1966: *Provided further*, That for the purposes of any funding provided for fiscal year 2020 for the Health Centers Program pursuant to section 330 of the PHS Act (42 U.S.C. 254b), maintaining current health center capacity and staffing levels during a public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319 shall be deemed a cost of prevention, diagnosis, and treatment of coronavirus: *Provided further*, That $250,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to ''Health Resources and Services Administration—Bureau of Health Workforce'', to remain available until September 30, 2022, for supplements to existing payments under subsections 340E(a) and (h)(1) notwithstanding the cap imposed by subsection (h)(1) and notwithstanding subsection (h)(6), for Children's Hospitals Graduate Medical Education, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That $5,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to ''Health Resources and Services Administration—Health Care Systems'', to remain available until September 30, 2022, for activities under sections 1271 and 1273 of the PHS Act to improve the capacity of poison control centers to respond to increased calls: *Provided further*, That of the amount appropriated under this paragraph in this Act, $225,000,000 shall be for grants or other mechanisms, to rural health clinics as defined in section 1861(aa)(2) of the Social Security Act with such funds also available to such entities for building or construction of temporary structures, leasing of properties, and retrofitting facilities as necessary to support COVID–19 testing: *Provided further*, That such funds shall be distributed using the procedures developed for the Provider Relief Fund authorized under the third paragraph under this heading in division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136); may be distributed using contracts or agreements established for such program; and shall be subject to the process requirements applicable to such program: *Provided further*, That the Secretary may specify a minimum amount for each eligible entity accepting assistance under the two previous provisos: *Provided further*, That of the amount made available under this heading in this Act to prevent, prepare for, and respond to coronavirus, $5,000,000, shall be available to implement section 747A of the PHS Act and section 747A(c) shall not apply to these funds: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for ''Public Health and Social Services Emergency Fund'', $16,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation to monitor and suppress COVID–19, including tests for both active infection and prior exposure, including molecular, antigen, and serological tests, the manufacturing, procurement and distribution of tests, testing equipment and testing supplies, including personal protective equipment needed for administering tests, the development and validation of rapid, molecular point-of-care tests, and other tests, support for workforce, epidemiology, to scale up academic, commercial, public health, and hospital laboratories, to conduct surveillance and contact tracing, support development of COVID–19 testing plans, and other related activities related to COVID–19 testing: *Provided*, That of the amount appropriated under this paragraph in this Act, not less than $15,000,000,000 shall be for States, localities, territories, tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes for necessary expenses for testing, contact tracing, surveillance, containment, and mitigation, including support for workforce, epidemiology, use by employers, elementary and secondary schools, child care facilities, institutions of higher education, long-term care facilities, or in other settings, scale up of testing by public health, academic, commercial, and hospital laboratories, and community-based testing sites, health care facilities, and other entities engaged in COVID–19 testing, and other related activities related to COVID–19 testing, contact tracing, surveillance, containment, and mitigation: *Provided further*, That the amount identified in the preceding proviso shall be allocated to States, localities, and territories according to the formula that applied to the Public Health Emergency Preparedness cooperative agreement in fiscal year 2019: *Provided further*, That not less than $500,000,000 shall be allocated in coordination with the Director of the Indian Health Service, to tribes, tribal organizations, urban Indian health organizations, or health service providers to tribes: *Provided further*, That the Secretary of Health and Human Services (referred to in this paragraph as the ''Secretary'') may satisfy the funding thresholds outlined in the first and third provisos under this paragraph in this Act by making awards through other grant or cooperative agreement mechanisms: *Provided further*, That the Governor or designee of each State, locality, territory, tribe, or tribal organization receiving funds pursuant to this title shall update their plans, as applicable, for COVID–19 testing and contact tracing submitted to the Secretary pursuant to the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139) and submit such updates to the Secretary not later than 60 days after funds appropriated in this paragraph in this Act have been awarded to such recipient: *Provided further*, That funds an entity receives from amounts described in the first proviso in this paragraph may also be used for the rent, lease, purchase, acquisition, construction, alteration, renovation, or equipping of non-federally owned facilities to improve coronavirus preparedness and response capability at the State and local level: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

For an additional amount for ''Public Health and Social Services Emergency Fund'', $25,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: *Provided*, That these funds may not be used to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse: *Provided further*, That recipients of payments under this paragraph shall submit reports and maintain documentation as the Secretary determines are needed to ensure compliance with conditions that are imposed by this paragraph for such payments, and such reports and documentation shall be in such form, with such content, and in such time as the Secretary may prescribe for such purpose: *Provided further*, That ''eligible health care providers'' means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities not otherwise described in this proviso as the Secretary may specify, within the United States (including territories), that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID–19: *Provided further*, That the Secretary of Health and Human Services shall, on a rolling basis, review applications and make payments under this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity: *Provided further*, That, in this paragraph, the term ''payment'' means a pre-payment, prospective payment, or retrospective payment, as determined appropriate by the Secretary: *Provided further*, That payments under this paragraph shall be made in consideration of the most efficient payment systems practicable to provide emergency payment: *Provided further*, That to be eligible for a payment under this paragraph, an eligible health care provider shall submit to the Secretary of Health and Human Services an application that includes a statement justifying the need of the provider for the payment and the eligible health care provider shall have a valid tax identification number: *Provided further*, That, not later than 3 years after final payments are made under this paragraph, the Office of Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to this program to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That nothing in this section limits the authority of the Inspector General or the Comptroller General to conduct audits of interim payments at an earlier date: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers summarized by State of the payment receipt: *Provided further*, That such reports shall be updated and submitted to such Committees every 60 days until funds are expended: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

(INCLUDING TRANSFER OF FUNDS)

SEC. ____10. Funds appropriated by this subtitle may be used by the Secretary of the Department of Health and Human Services to appoint, without regard to the provisions of sections 3309 through 3319 of title 5 of the United States Code, candidates needed for positions to perform critical work relating to coronavirus for which—

(1) public notice has been given; and

(2) the Secretary of Health and Human Services has determined that such a public health threat exists.

SEC. ____11. Funds made available by this subtitle may be used to enter into contracts with individuals for the provision of personal services (as described in section 104 of part 37 of title 48, Code of Federal Regulations (48 CFR 37.104)) to support the prevention of, preparation for, or response to coronavirus, domestically and internationally, subject to prior notification to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such individuals may not be deemed employees of the United States for the purpose of any law administered by the Office of Personnel Management: *Provided further*, That the authority made available pursuant to this section shall expire on September 30, 2024.

SEC. ____12. (a) If services performed by an employee during 2020 are determined by the head of the agency to be primarily related to preparation, prevention, or response to coronavirus, any premium pay for such services shall be disregarded in calculating the aggregate of such employee's basic pay and premium pay for purposes of a limitation under section 5547(a) of title 5, United States Code, or under any other provision of law, whether such employee's pay is paid on a biweekly or calendar year basis.

(b) Any overtime pay for such services shall be disregarded in calculating any annual limit on the amount of overtime pay payable in a calendar or fiscal year.

(c) With regard to such services, any pay that is disregarded under either subsection (a) or (b) shall be disregarded in calculating such employee's aggregate pay for purposes of the limitation in section 5307 of such title 5.

(d)(1) Pay that is disregarded under subsection (a) or (b) shall not cause the aggregate of the employee's basic pay and premium pay for the applicable calendar year to exceed the rate of basic pay payable for a position at level II of the Executive Schedule under section 5313 of title 5, United States Code, as in effect at the end of such calendar year.

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

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

(e) This section shall take effect as if enacted on February 2, 2020.

(f) If application of this section results in the payment of additional premium pay to a covered employee of a type that is normally creditable as basic pay for retirement or any other purpose, that additional pay shall not—

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

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

SEC. ____13. The paragraph codified at 42 U.S.C. 231 shall be applied in this and all other fiscal years as though the phrase ''central services'' referred to central services for any Federal agency, and this section shall be effective as if enacted on the date of enactment of such paragraph.

SEC. ____14. Funds appropriated by this subtitle to the heading ''Department of Health and Human Services'' except for the amounts specified in the third, and fourth paragraphs under the heading ''Public Health and Social Services Emergency Fund'', may be transferred to, and merged with, other appropriation accounts under the headings ''Centers for Disease Control and Prevention'', ''Public Health and Social Services Emergency Fund'', ''Administration for Children and Families'', ''Administration for Community Living'', and ''National Institutes of Health'' to prevent, prepare for, and respond to coronavirus following consultation with the Office of Management and Budget: *Provided*, That the Committees on Appropriations of the House of Representatives and the Senate shall be notified 10 days in advance of any such transfer: *Provided further*, That, upon a determination that all or part of the funds transferred from an appropriation by this subtitle are not necessary, such amounts may be transferred back to that appropriation: *Provided further*, That none of the funds made available by this subtitle may be transferred pursuant to the authority in section 205 of division A of Public Law 116–94 or section 241(a) of the PHS Act.

SEC. ____15. Of the funds appropriated by this subtitle under the heading ''Public Health and Social Services Emergency Fund'', up to $6,000,000 shall be transferred to, and merged with, funds made available under the heading ''Office of the Secretary, Office of Inspector General'', and shall remain available until expended, for oversight of activities supported with funds appropriated to the Department of Health and Human Services to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That the Inspector General of the Department of Health and Human Services shall consult with the Committees on Appropriations of the House of Representatives and the Senate prior to obligating such funds: *Provided further*, That the transfer authority provided by this section is in addition to any other transfer authority provided by law.

SEC. ____16. Funds made available in Public Law 113–235 to the accounts of the National Institutes of Health that were available for obligation through fiscal year 2015 are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal year 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ____17. Section 675B(b)(3) of the Community Services Block Grant Act (42 U.S.C. 9906(b)(3)) shall not apply with respect to funds appropriated by the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136) to carry out the Community Services Block Grant Act (42 U.S.C. 9901 et seq.): *Provided*, That the amounts repurposed in this section that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Subtitle C—Education

DEPARTMENT OF EDUCATION

EDUCATION STABILIZATION FUND

For an additional amount for ''Education Stabilization Fund'', $105,000,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

EDUCATION STABILIZATION FUND

SEC. ____21. (a) ALLOCATIONS.—From the amount made available under this heading in this Act to carry out the Education Stabilization Fund, the Secretary shall first allocate—

(1) not more than one half of 1 percent to the outlying areas on the basis of the terms and conditions for funding provided under this heading in the Coronavirus Aid, Relief, and Economic Security (CARES) Act (Public Law 116–136); and

(2) one-half of 1 percent for the Secretary of the Interior for programs operated or funded by the Bureau of Indian Education, under the terms and conditions established for funding provided under this heading in the CARES Act (Public Law 116–136).

(b) RESERVATIONS.—After carrying out subsection (a), the Secretary shall reserve the remaining funds made available as follows:

(1) 5 percent to carry out section ____22 of this title.

(2) 67 percent to carry out section ____23 of this title.

(3) 28 percent to carry out section ____24 of this title.

GOVERNOR'S EMERGENCY EDUCATION RELIEF FUND

SEC. ____22. (a) GRANTS.—From funds reserved under section ____21(b)(1) of this title, the Secretary shall make supplemental Emergency Education Relief grants to the Governor of each State with an approved application under section 18002 of division B of the CARES Act (Public Law 116–136). The Secretary shall award funds under this section to the Governor of each State with an approved application within 30 calendar days of enactment of this Act.

(b) ALLOCATIONS.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State as follows:

(1) 60 percent on the basis of their relative population of individuals aged 5 through 24.

(2) 40 percent on the basis of their relative number of children counted under section 1124(c) of the Elementary and Secondary Education Act of 1965 (referred to under this heading as ''ESEA'').

(c) USES OF FUNDS.—Grant funds awarded under subsection (b) may be used to—

(1) provide emergency support through grants to local educational agencies that the State educational agency deems have been most significantly impacted by coronavirus to support the ability of such local educational agencies to continue to provide educational services to their students and to support the on-going functionality of the local educational agency;

(2) provide emergency support through grants to institutions of higher education serving students within the State that the Governor determines have been most significantly impacted by coronavirus to support the ability of such institutions to continue to provide educational services and support the on-going functionality of the institution; and

(3) provide support to any other institution of higher education, local educational agency, or education related entity within the

State that the Governor deems essential for carrying out emergency educational services to students for authorized activities described in section ___23(e) of this title, the ESEA of 1965, the Higher Education Act of 1965, the provision of child care and early childhood education, social and emotional support, career and technical education, adult education, and the protection of education-related jobs.

(d) REALLOCATION.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not award within 6 months of receiving such funds and the Secretary shall reallocate such funds to the remaining States in accordance with subsection (b).

(e) REPORT.—A Governor receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

ELEMENTARY AND SECONDARY SCHOOL EMERGENCY RELIEF FUND

SEC. ___23. (a) GRANTS.—From funds reserved under section ___21(b)(2) of this title, the Secretary shall make supplemental elementary and secondary school emergency relief grants to each State educational agency with an approved application under section 18003 of division B of the CARES Act (Public Law 116–136). The Secretary shall award funds under this section to each State educational agency with an approved application within 15 calendar days of enactment of this Act.

(b) ALLOCATIONS TO STATES.—The amount of each grant under subsection (a) shall be allocated by the Secretary to each State in the same proportion as each State received under part A of title I of the ESEA of 1965 in the most recent fiscal year.

(c) SUBGRANTS.—From the payment provided by the Secretary under subsection (b), the State educational agency shall provide services and assistance to local educational agencies and non-public schools, consistent with the provisions of this subtitle. After carrying out the reservation of funds in section ___25 of this title, each State shall allocate not less than 90 percent of the remaining grant funds awarded to the State under this section as subgrants to local educational agencies (including charter schools that are local educational agencies) in the State in proportion to the amount of funds such local educational agencies and charter schools that are local educational agencies received under part A of title I of the ESEA of 1965 in the most recent fiscal year. The state educational agency shall make such subgrants to local educational agencies as follows—

(1) one-third of funds shall be awarded not less than 15 calendar days after receiving an award from the Secretary under this section; and

(2) the remaining two-thirds of funds shall be awarded only after the local educational agency submits to the Governor and the Governor approves a comprehensive school reopening plan for the 2020–2021 school-year, based on criteria determined by the Governor in consultation with the state educational agency (including criteria for the Governor to carry out subparagraph (A) through (C)), that describes how the local educational agency will safely reopen schools with the physical presence of students, consistent with maintaining safe and continuous operations aligned with challenging state academic standards. The Governor shall approve such plans within 30 days after the plan is submitted, subject to the requirements in subparagraphs (A) through (C).

(A) A local educational agency that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as it was defined by the local educational agency prior to the coronavirus emergency, shall have its plan automatically approved.

(B) A local educational agency that does not provide in-person instruction to any students where the students physically attend school in-person shall not be eligible to receive a subgrant under paragraph (2).

(C) A local educational agency that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in subparagraph (A) shall have its allocation reduced on a pro rata basis as determined by the Governor.

(d) PLAN CONTENTS.—A school reopening plan submitted to a Governor under subsection (c)(2) shall include, in addition to any other information necessary to meet the criteria determined by the Governor—

(1) A detailed timeline for when the local educational agency will provide in-person instruction, including the goals and criteria used for providing full-time in-person instruction to all students;

(2) A description of how many days of in-person instruction per calendar week the local educational agency plans to offer to students during the 2020–2021 school year; and

(3) An assurance that the local educational agency will offer students as much in-person instruction as is safe and practicable, consistent with maintaining safe and continuous operations aligned with challenging state academic standards.

(e) USES OF FUNDS.—

(1) A local educational agency or non-public school that receives funds under subsection (c)(1) or section ___25 may use funds for any of the following:

(A) Activities to support returning to in-person instruction, including purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementing procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and other school leaders with the resources necessary to address the needs of their individual schools directly related to coronavirus.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

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

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

(G) Planning for and coordinating during long-term closures, including for how to provide meals to eligible students, how to provide technology for online learning to all students, how to provide guidance for carrying out requirements under the Individuals with Disabilities Education Act (20 U.S.C. 1401 et seq.) and how to ensure other educational services can continue to be provided consistent with all Federal, State, and local requirements.

(H) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(I) Expanding healthcare and other health services (including mental health services and supports), including for children at risk of abuse or neglect.

(J) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction or online learning during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(2) A local educational agency that receives funds under subsection (c)(2) may use the funds for activities to carry out a comprehensive school reopening plan as described in this section, including:

(A) Purchasing personal protective equipment, implementing flexible schedules to keep children in isolated groups, purchasing box lunches so that children can eat in their classroom, purchasing physical barriers, providing additional transportation services, repurposing existing school rooms and space, and improving ventilation systems.

(B) Developing and implementation of procedures and systems to improve the preparedness and response efforts of local educational agencies or non-public schools, including coordination with State, local, Tribal, and territorial public health departments, and other relevant agencies, to improve coordinated responses among such entities to prevent, prepare for, and respond to coronavirus.

(C) Providing principals and others school leaders with the resources necessary to address the needs of their individual schools.

(D) Providing additional services to address the unique needs of low-income children or students, children with disabilities, English learners, racial and ethnic minorities, students experiencing homelessness, and foster care youth, including how outreach and service delivery will meet the needs of each population.

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

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

(G) Purchasing educational technology (including hardware, software, and connectivity) for students who are served by the local educational agency or non-public school that aids in regular and substantive educational interaction between students and their classroom instructors, including low-income students and students with disabilities, which may include assistive technology or adaptive equipment.

(H) Expanding healthcare and other health services (including mental health services

and supports), including for children at risk of abuse or neglect.

(I) Planning and implementing activities related to summer learning and supplemental afterschool programs, including providing classroom instruction during the summer months and addressing the needs of low-income students, students with disabilities, English learners, migrant students, students experiencing homelessness, and children in foster care.

(f) STATE FUNDING.—A State may reserve not more than 5 percent of the funds not otherwise allocated under subsection (c) and section ___25 for administrative costs and the remainder for emergency needs as determined by the state educational agency to address issues responding to coronavirus, which may be addressed through the use of grants or contracts.

(g) ASSURANCES.—A State, state educational agency, or local educational agency receiving funding under this section shall provide assurances, as applicable, that:

(1) A State, State educational agency, or local educational agency will maintain and expand access to high-quality schools, including high-quality public charter schools, and will not—

(A) enact policies to close or prevent the expansion of such schools to address revenue shortfalls that result in the disproportionate closure or denial of expansion of public charter schools that are otherwise meeting the terms of their charter for academic achievement; or

(B) disproportionally reduce funding to charter schools or otherwise increase funding gaps between charter schools and other public schools in the local educational agency.

(2) Allocations of funding and services provided from funds provided in this section to public charter schools are made on the same basis as is used for all public schools, consistent with state law and in consultation with charter school leaders.

(h) REPORT.—A State receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(i) REALLOCATION.—A State shall return to the Secretary any funds received under this section that the State does not award within 4 months of receiving such funds and the Secretary shall deposit such funds into the general fund of the Treasury.

(j) RULE OF CONSTRUCTION.—

(1) The receipt of any funds authorized or appropriated under this section, including pursuant to section ___25 of this Act, by a nonprofit entity, or by any individual who has been admitted or applied for admission to such entity (or any parent or guardian of such individual), shall not be construed to render such entity or person a recipient of Federal financial assistance for any purpose, nor shall any such person or entity be required to make any alteration to its existing programs, facilities, or employment practices except as required under this section.

(2) No State participating in any program under this section, including pursuant to section ___25 of this Act, shall impose any penalty or additional requirement upon, or otherwise disadvantage, such entity or person as a consequence or condition of its receipt of such funds.

(3) No State participating in any program under this section shall authorize any person or entity to use any funds authorized or appropriated under this section, including pursuant to section ___25 of this Act, except as provided by subsection (e), nor shall any such State impose any limits upon the use of any such funds except as provided by subsection (e).

HIGHER EDUCATION EMERGENCY RELIEF FUND

SEC. ___24. (a) IN GENERAL.—From funds reserved under section ___21(b)(3) of this title the Secretary shall allocate amounts as follows:

(1) 85 percent to each institution of higher education described in section 101 or section 102(c) of the Higher Education Act of 1965 to prevent, prepare for, and respond to coronavirus, by apportioning it—

(A) 90 percent according to the relative share of full-time equivalent enrollment of Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency; and

(B) 10 percent according to the relative share of full-time equivalent enrollment of students who were not Federal Pell Grant recipients who were not exclusively enrolled in distance education courses prior to the coronavirus emergency.

(2) 10 percent for additional awards under parts A and B of title III, parts A and B of title V, and subpart 4 of part A of title VII of the Higher Education Act to address needs directly related to coronavirus, that shall be in addition to awards made in section ___24(a)(1) of this title, and allocated by the Secretary proportionally to such programs based on the relative share of funding appropriated to such programs in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) and distributed to eligible institutions of higher education, except as otherwise provided in subparagraphs (A)–(D), on the basis of the formula described in section ___24(a)(1) of this title:

(A) Except as otherwise provided in subparagraph (B), for eligible institutions under part B of title III and subpart 4 of part A of title VII of the Higher Education Act, the Secretary shall allot to each eligible institution an amount using the following formula:

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

(ii) 20 percent according to a ratio equivalent to the total number of students enrolled at such institution at the end of the school year preceding the beginning of that fiscal year and the number of students enrolled at all such institutions; and

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

(B) For eligible institutions under section 326 of the Higher Education Act, the Secretary shall allot to each eligible institution an amount in proportion to the award received from funding for such institutions in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94);

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

(D) Notwithstanding section 318(f) of the Higher Education Act, for eligible institutions under section 318 of the Higher Education Act, the Secretary shall allot funding according to the formula in section 318(e) of the Higher Education Act.

(3) 5 percent for grants to institutions of higher education that the Secretary determines, through an application process and after allocating funds under paragraphs ___24(a)(1) and (2) of this Act, have the greatest unmet needs related to coronavirus. In awarding funds to institutions of higher education under this paragraph the Secretary shall prioritize institutions of higher education—

(A) described under title I of the Higher Education Act of 1965 that were not eligible to receive an award under section ___24(a)(1) of this title, including institutions described in section 102(b) of the Higher Education Act of 1965; and

(B) that otherwise demonstrate significant needs related to coronavirus that were not addressed by funding allocated under subsections (a)(1) or (a)(2) of this section.

(b) DISTRIBUTION.—The funds made available to each institution under subsection (a)(1) shall be distributed by the Secretary using the same systems as the Secretary otherwise distributes funding to each institution under title IV of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.).

(c) USES OF FUNDS.—An institution of higher education receiving funds under this section may use the funds received to:

(1) defray expenses associated with coronavirus (including lost revenue, reimbursement for expenses already incurred, technology costs associated with a transition to distance education, faculty and staff trainings, and payroll); and

(2) provide financial aid grants to students (including students exclusively enrolled in distance education), which may be used for any component of the student's cost of attendance or for emergency costs that arise due to coronavirus.

(d) SPECIAL PROVISIONS.—

(1) A Historically Black College and University or a Minority Serving Institution may use prior awards provided under titles III, V, and VII of the Higher Education Act to prevent, prepare for, and respond to coronavirus.

(2) An institution of higher education receiving funds under section 18004 of division B of the CARES Act (Public Law 116–136) may use those funds under the terms and conditions of section ___24(c) of this Act. Amounts repurposed pursuant to this paragraph that were previously designated by the Congress as an emergency requirement pursuant to the Balanced Budget and Emergency Deficit Control Act of 1985 are designated by the Congress as an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(3) No funds received by an institution of higher education under this section shall be used to fund contractors for the provision of pre-enrollment recruitment activities; endowments; or capital outlays associated with facilities related to athletics, sectarian instruction, or religious worship.

(4) An institution of higher education that was required to remit payment to the Internal Revenue Service for the excise tax based on investment income of private colleges and universities under section 4968 of the Internal Revenue Code of 1986 for tax year 2019 shall have their allocation under this section reduced by 50 percent and may only use funds for activities described in paragraph (c)(2). This paragraph shall not apply to an institution of higher education designated by the Secretary as an eligible institution under section 448 of the Higher Education Act of 1965.

(e) REPORT.—An institution receiving funds under this section shall submit a report to the Secretary, not later than 6 months after receiving funding provided in

this title, in such manner and with such subsequent frequency as the Secretary may require, that provides a detailed accounting of the use of funds provided under this section.

(f) REALLOCATION.—Any funds allocated to an institution of higher education under this section on the basis of a formula described in subsection (a)(1) or (a)(2) but for which an institution does not apply for funding within 60 days of the publication of the notice inviting applications, shall be reallocated to eligible institutions that had submitted an application by such date.

ASSISTANCE TO NON-PUBLIC SCHOOLS

SEC. ____25. (a) FUNDS AVAILABILITY.—From the payment provided by the Secretary under section ____23 of this title to a State educational agency, the State educational agency shall reserve an amount of funds equal to the percentage of students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency. Upon reserving funds under this section, the Governor of the State shall award such funds equally to each non-public school accredited or otherwise located in and licensed to operate in the State based on the number of low-income students enrolled in the non-public school as a share of all low-income students enrolled in non-public elementary and secondary schools in the State prior to the coronavirus emergency, subject to the requirements in subsection (b).

(b)(1) A non-public school that provides in-person instruction for at least 50 percent of its students where the students physically attend school no less than 50 percent of each school-week, as determined by the non-public school prior to the coronavirus emergency, shall be eligible for the full amount of assistance per student as prescribed under this section.

(2) A non-public school that does not provide in-person instruction to any students where the students physically attend school in-person shall only be eligible for one-third of the amount of assistance per student as prescribed under this section.

(3) A non-public school that provides in-person instruction to at least some students where the students physically attend school in-person but does not satisfy the requirements in paragraph (1) shall have its amount of assistance as prescribed under this section reduced on a pro rata basis, which shall be calculated using the same methodology as is used under section ____23(c)(2)(C) of this title.

(4) A Governor shall allocate not less than 50 percent of the funds reserved in this section to non-public schools within 30 days of receiving an award from the Secretary and the remaining 50 percent not less than 4 months after receiving an award from the Secretary.

CONTINUED PAYMENT TO EMPLOYEES

SEC. ____26. A local educational agency, State, institution of higher education, or other entity that receives funds under ''Education Stabilization Fund'', shall to the greatest extent practicable, continue to pay its employees and contractors during the period of any disruptions or closures related to coronavirus.

DEFINITIONS

SEC. ____27. Except as otherwise provided in sections ____21–____26 of this title, as used in such sections—

(1) the terms ''elementary education'' and ''secondary education'' have the meaning given such terms under State law;

(2) the term ''institution of higher education'' has the meaning given such term in title I of the Higher Education Act of 1965 (20 U.S.C. 1001 et seq.);

(3) the term ''Secretary'' means the Secretary of Education;

(4) the term ''State'' means each of the 50 States, the District of Columbia, and the Commonwealth of Puerto Rico;

(5) the term ''cost of attendance'' has the meaning given such term in section 472 of the Higher Education Act of 1965;

(6) the term ''Non-public school'' means a non-public elementary and secondary school that (A) is accredited, licensed, or otherwise operates in accordance with State law; and (B) was in existence prior to the date of the qualifying emergency for which grants are awarded under this section;

(7) the term ''public school'' means a public elementary or secondary school; and

(8) any other term used that is defined in section 8101 of the Elementary and Secondary Education Act of 1965 (20 U.S.C. 7801) shall have the meaning given the term in such section.

MAINTENANCE OF EFFORT

SEC. ____28. A State's application for funds to carry out sections ____22 or ____23 of this title shall include assurances that the State will maintain support for elementary and secondary education, and State support for higher education (which shall include State funding to institutions of higher education and state need-based financial aid, and shall not include support for capital projects or for research and development or tuition and fees paid by students) in fiscal years 2020 and 2021 at least at the proportional levels of such State's support for elementary and secondary education and for higher education relative to such States overall spending in fiscal year 2019.

STUDENT AID ADMINISTRATION

For an additional amount for ''Student Aid Administration'', $40,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out part D of title I, and subparts 1, 3, 9 and 10 of part A, and parts B, C, D, and E of title IV of the HEA, and subpart 1 of part A of title VII of the Public Health Service Act: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

INSTITUTE OF EDUCATION SCIENCES

For an additional amount for ''Institute of Education Sciences'', $65,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally, for carrying out the National Assessment of Educational Progress Authorization Act (title III of Public Law 107–279): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

DEPARTMENTAL MANAGEMENT

PROGRAM ADMINISTRATION

For an additional amount for ''Program Administration'', $8,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

OFFICE OF INSPECTOR GENERAL

For an additional amount for ''Office of Inspector General'', $7,000,000, to remain available through September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally, including for salaries and expenses necessary for oversight and audit of programs, grants, and projects funded in this title to respond to coronavirus: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS

SEC. ____29. Funds made available in Public Law 115–245 under the heading ''National Technical Institute for the Deaf'' that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ____30. Funds made available in Public Law 115–245 under the heading ''Gallaudet University'' that were available for obligation through fiscal year 2019, and where a valid obligation was incurred in such fiscal year, are to remain available for obligation and expenditure by educational agencies or institutions through fiscal year 2021, notwithstanding section 412(b) of the General Education Provisions Act (20 U.S.C. 1225): *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ____31. Funds made available in Public Law 113–76 under the heading ''Innovation and Improvement'' that were available for obligation through December 31, 2014 for the Investing in Innovation program pursuant to the eighth and ninth provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SEC. ____32. Funds made available in Public Law 113–76 under the heading ''Rehabilitation Services and Disability Research'' that were available for obligation through fiscal year 2015 for the Automated Personalization Computing Project pursuant to the first four provisos under that heading in that Act are to remain available through fiscal year 2021 for the liquidation of valid obligations incurred in fiscal years 2014 or 2015: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

Subtitle D—Related Matters

RELATED AGENCIES

CORPORATION FOR PUBLIC BROADCASTING

For an additional amount for ''Corporation for Public Broadcasting,'' $175,000,000, to remain available until September 30, 2021, to prevent, prepare for, and respond to coronavirus, including for fiscal stabilization grants to public telecommunications entities, as defined by 47 U.S.C. 397(12), with no deduction for administrative or other costs of the Corporation, to maintain programming and services and preserve small and rural stations threatened by declines in non-Federal revenues: *Provided*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced

Budget and Emergency Deficit Control Act of 1985.

GENERAL PROVISIONS—THIS TITLE

SEC. ___41. Not later than 30 days after the date of enactment of this Act, the Secretaries of Labor, Health and Human Services, and Education shall provide a detailed spend plan of anticipated uses of funds made available in this title, including estimated personnel and administrative costs, to the Committees on Appropriations of the House of Representatives and the Senate: *Provided*, That such plans shall be updated and submitted to such Committees every 60 days until September 30, 2024: *Provided further*, That the spend plans shall be accompanied by a listing of each contract obligation incurred that exceeds $5,000,000 which has not previously been reported, including the amount of each such obligation.

SEC. ___42. (a) The remaining unobligated balances of funds as of September 30, 2020, from amounts provided under the heading ''Corporation for National and Community Service—Operating Expenses'' in title IV of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), are hereby permanently rescinded, and an amount of additional new budget authority equivalent to the amount rescinded is hereby appropriated on September 30, 2020, to remain available until September 30, 2021, and shall be available for the same purposes, in addition to other funds as may be available for such purposes, and under the same authorities for which the funds were originally provided in Public Law 116–94: *Provided*, That any amounts appropriated by the preceding proviso shall not be subject to the allotment requirements otherwise applicable under sections 129(a), (b), (d), and (e) of the National and Community Service Act of 1993: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

(b)(1) Subsection (b) of section 3514 of title III of division A of the CARES Act (Public Law 116–136) is hereby repealed, and shall be applied hereafter as if such subsection had never been enacted.

(2)(A) IN GENERAL.—The amounts provided under this subsection are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(B) DESIGNATION IN SENATE.—In the Senate, this subsection is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

(C) CLASSIFICATION OF BUDGETARY EFFECTS.—Notwithstanding Rule 3 of the Budget Scorekeeping Guidelines set forth in the joint explanatory statement of the committee of conference accompanying Conference Report 105–217 and section 250(c)(7) and (c)(8) of the Balanced Budget and Emergency Deficit Control Act of 1985, the budgetary effects of this subsection—

(i) shall not be estimated for purposes of section 251 of such Act;

(ii) shall not be estimated for purposes of paragraph (4)(C) of section 3 of the Statutory Pay As-You-Go Act of 2010 as being included in an appropriation Act; and

(iii) shall be treated as if they were contained in a PAYGO Act, as defined by section 3(7) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 932(7)).

SA 2526. Mr. TOOMEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PARTNERSHIPS WITH STATE ACADEMIC CENTERS AND PUBLIC HEALTH DEPARTMENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall partner with State-based institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) and public health departments to perform statewide, regional seroprevalence studies in States with a prevalence of COVID–19 that is greater than 1,000 per 100,000 people. Any such study shall involve, at minimum, the number of State residents required to achieve statistical significance to estimate seroprevalence across the State.

(b) FUNDING.—The Secretary shall allocate funds to carry out this section from any unobligated amounts of the additional amount of $25,000,000,000 appropriated to the Public Health and Social Services Emergency Fund, under the heading ''Public Health and Social Services Emergency Fund'' under the heading ''Office of the Secretary'' under the heading ''Department of Health and Human Services'' under title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139) for necessary expenses to research, develop, validate, manufacture, purchase, administer, and expand capacity for COVID–19 tests to effectively monitor and suppress COVID–19.

SA 2527. Mr. TOOMEY submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. PARTNERSHIPS WITH STATE ACADEMIC CENTERS AND PUBLIC HEALTH DEPARTMENTS.

(a) IN GENERAL.—The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall partner with State-based institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a))) and public health departments to perform statewide, regional seroprevalence studies in States with a prevalence of COVID–19 that is greater than 1,000 per 100,000 people. Any such study shall involve, at minimum, the number of State residents required to achieve statistical significance to estimate seroprevalence across the State.

(b) FUNDING.—The Secretary shall allocate funds to carry out this section from any unobligated amounts of the additional amount of $25,000,000,000 appropriated to the Public Health and Social Services Emergency Fund, under the heading ''Public Health and Social Services Emergency Fund'' under the heading ''Office of the Secretary'' under the heading ''Department of Health and Human Services'' under title I of division B of the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139) for necessary expenses to research, develop, validate, manufacture, purchase, administer, and expand capacity for COVID–19 tests to effectively monitor and suppress COVID–19.

SA 2528. Mr. TOOMEY (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENSURING PROCESSING OF APPROVED AND PENDING APPLICATIONS UNDER MEDICARE HOSPITAL ACCELERATED AND ADVANCE PAYMENTS PROGRAMS.

(a) IN GENERAL.—

(1) PART A.—Section 1815(f) of the Social Security Act (42 U.S.C. 1395g(f)) is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) In the case of any request for an accelerated payment under the program under subsection (e)(3) pursuant to paragraph (2) that was submitted prior to April 26, 2020, and for which such payment has not been issued as of the date of enactment of this paragraph, the Secretary shall—

''(A) in the case of any such request that was approved, not later than 15 days after such date of enactment, provide for the issuance of such payment to such hospital; and

''(B) in the case of any such request for which no determination has been made regarding eligibility of a hospital for such payment as of the date of enactment of this paragraph, not later than 15 days after such date of enactment, review the request and, if the hospital is eligible for such payment, issue such payment to such hospital.''.

(2) PART B.—In the case of any request for an advance payment under the advance payments program described in section 421.214 of title 42, Code of Federal Regulations (or a successor regulation) that was submitted prior to April 26, 2020, and for which such payment has not been issued as of the date of enactment of this paragraph, the Secretary of Health and Human Services shall—

(A) in the case of any such request that was approved, not later than 15 days after such date of enactment, provide for the issuance of such payment to such supplier; and

(B) in the case of any such request for which no determination has been made regarding eligibility of a supplier for such payment as of the date of enactment of this paragraph, not later than 15 days after such date of enactment, review the request and, if the supplier is eligible for such payment, issue such payment to such supplier.

(3) ADDITIONAL TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended by adding at the end the following:

''(e)(1) There shall be transferred from the General Fund of the Treasury to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to amounts paid under the advance payment program under section 421.214 of title 42, Code of Federal Regulations (or any successor regulation) pursuant to section ___(a)(2) of the ___ Act of 2020.

''(2) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the sum of—

''(A) the amounts by which claims have offset (in whole or in part) the amount of such advance payments described in paragraph (1); and

''(B) the amount of such advance payments that has been repaid (in whole or in part), under the advance payment program under such section 421.214 (or any such successor regulation).

''(3) Amounts described in paragraphs (1) and (2) shall be transferred from time to time as appropriate.''.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

SA 2529. Mr. TOOMEY (for himself and Mrs. CAPITO) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ENSURING PROCESSING OF APPROVED AND PENDING APPLICATIONS UNDER MEDICARE HOSPITAL ACCELERATED AND ADVANCE PAYMENTS PROGRAMS.

(a) IN GENERAL.—

(1) PART A.—Section 1815(f) of the Social Security Act (42 U.S.C. 1395g(f)) is amended—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) In the case of any request for an accelerated payment under the program under subsection (e)(3) pursuant to paragraph (2) that was submitted prior to April 26, 2020, and for which such payment has not been issued as of the date of enactment of this paragraph, the Secretary shall—

''(A) in the case of any such request that was approved, not later than 15 days after such date of enactment, provide for the issuance of such payment to such hospital; and

''(B) in the case of any such request for which no determination has been made regarding eligibility of a hospital for such payment as of the date of enactment of this paragraph, not later than 15 days after such date of enactment, review the request and, if the hospital is eligible for such payment, issue such payment to such hospital.''.

(2) PART B.—In the case of any request for an advance payment under the advance payments program described in section 421.214 of title 42, Code of Federal Regulations (or a successor regulation) that was submitted prior to April 26, 2020, and for which such payment has not been issued as of the date of enactment of this paragraph, the Secretary of Health and Human Services shall—

(A) in the case of any such request that was approved, not later than 15 days after such date of enactment, provide for the issuance of such payment to such supplier; and

(B) in the case of any such request for which no determination has been made regarding eligibility of a supplier for such payment as of the date of enactment of this paragraph, not later than 15 days after such date of enactment, review the request and, if the supplier is eligible for such payment, issue such payment to such supplier.

(3) ADDITIONAL TRANSITIONAL GOVERNMENT CONTRIBUTION.—Section 1844 of the Social Security Act (42 U.S.C. 1395w) is amended by adding at the end the following:

''(e)(1) There shall be transferred from the General Fund of the Treasury to the Trust Fund an amount, as estimated by the Chief Actuary of the Centers for Medicare & Medicaid Services, equal to amounts paid under the advance payment program under section 421.214 of title 42, Code of Federal Regulations (or any successor regulation) pursuant to section ___(a)(2) of the ___ Act of 2020.

''(2) There shall be transferred from the Trust Fund to the General Fund of the Treasury amounts equivalent to the sum of—

''(A) the amounts by which claims have offset (in whole or in part) the amount of such advance payments described in paragraph (1); and

''(B) the amount of such advance payments that has been repaid (in whole or in part), under the advance payment program under such section 421.214 (or any such successor regulation).

''(3) Amounts described in paragraphs (1) and (2) shall be transferred from time to time as appropriate.''.

(b) IMPLEMENTATION.—Notwithstanding any other provision of law, the Secretary of Health and Human Services may implement the provisions of, and the amendments made by, this section by program instruction or otherwise.

SA 2530. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___PANDEMIC PREPARATION

SEC. __01. SHORT TITLE.

This title may be cited as the ''Preparing for the Next Pandemic Act''.

SEC. __02. SUSTAINED ON-SHORE MANUFACTURING CAPACITY FOR PUBLIC HEALTH EMERGENCIES.

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

(1) in subsection (a)(6)(B)—

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

(B) by inserting after clause (iii), the following:

''(iv) activities to support domestic manufacturing surge capacity of products or platform technologies, including manufacturing capacity and capabilities to utilize platform technologies to provide for flexible manufacturing initiatives;''; and

(C) in clause (vi) (as so redesginated), by inserting ''manufacture,'' after ''improvement,'';

(2) in subsection (b)—

(A) in the first sentence of paragraph (1), by inserting ''support for domestic manufacturing surge capacity,'' after ''initiatives for innovation,''; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''and'' at the end;

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

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

''(C) activities to support manufacturing surge capacities and capabilities to increase the availability of existing medical countermeasures and utilize existing novel platforms to manufacture new medical countermeasures to meet manufacturing demands to address threats that pose a significant level of risk to national security; and'';

(3) in subsection (c)—

(A) in paragraph (2)—

(i) in subparagraph (C), by striking ''and'' at the end;

(ii) in subparagraph (D), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(E) promoting domestic manufacturing surge capacity and capabilities for countermeasure advanced research and development, including facilitating contracts to support flexible or surge manufacturing.'';

(B) in paragraph (4)—

(i) in subparagraph (B)—

(I) in clause (iii), by striking ''and'' at the end;

(II) in clause (iv), by striking the period and inserting ''; and''; and

(III) by adding at the end the following:

''(v) support and maintain domestic manufacturing surge capacity and capabilities, including through contracts to support flexible or surge manufacturing, to ensure that additional production of countermeasures is available in the event that the Secretary determines there is such a need for additional production.'';

(ii) in subparagraph (D)—

(I) in clause (ii), by striking ''and'' at the end;

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

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

''(iii) research to advance manufacturing capacities and capabilities for medical countermeasures and platform technologies that may be utilized for medical countermeasures; and''; and

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

(C) in paragraph (7)(C)(i), by striking ''up to 100 highly qualified individuals, or up to 50 percent of the total number of employees, whichever is less,'' and inserting ''75 percent of the total number of employees'';

(4) in subsection (d), by adding at the end the following:

''(3) ADDITIONAL FUNDING.—For necessary expenses to improve and expand manufacturing surge capacity and capabilities pursuant to subsection (c)(4)(B)(v), there is authorized to be appropriated $5,000,000,000 for fiscal year 2021, to remain available until September 30, 2030.

''(4) ADVANCE APPROPRIATION.—

''(A) IN GENERAL.—There is appropriated, out of amounts in the Treasury not otherwise appropriated for the fiscal year ending September 30, 2021, for necessary expenses to improve and expand manufacturing surge capacity and capabilities pursuant to subsection (c)(4)(B)(v), $5,000,000,000, to remain available until September 30, 2030.

''(B) EMERGENCY DESIGNATION.—

''(i) IN GENERAL.—The amounts provided by this paragraph are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

''(ii) DESIGNATION IN SENATE.—In the Senate, this paragraph is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

''(C) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to this paragraph for fiscal year 2021 shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under section 319L of this Act.'';

(5) in subsection (e)(1)—

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

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

''(B) TEMPORARY FLEXIBILITY.—During a public health emergency under section 319, the Secretary shall be provided with an additional 60 business days to comply with information requests for the disclosure of information under section 552 of title 5, United States Code, related to the activities under this section (unless such activities are otherwise exempt under subparagraph (A)).''; and

(6) in subsection (f)—

(A) in paragraph (1), by striking ''Not later than 180 days after the date of enactment of this subsection'' and inserting ''Not later than 180 days after the date of enactment of the Preparing for the Next Pandemic Act''; and

(B) in paragraph (2), by striking ''Not later than 1 year after the date of enactment of this subsection'' and inserting ''Not later than 1 year after the date of enactment of the Preparing for the Next Pandemic Act''.

(b) MEDICAL COUNTERMEASURE INNOVATION PARTNER.—The restrictions under section 202 of division A of the Further Consolidated Appropriations Act, 2020 (Public Law 116–94), or any other provision of law imposing a restriction on salaries of individuals related to a previous appropriation to the Department of Health and Human Services, shall not apply with respect to salaries paid pursuant to an agreement under the medical countermeasure innovation partner program under section 319L(c)(4)(E) of the Public Health Service Act (42 U.S.C. 247d–7e(c)(4)(E)).

SEC. __03. IMPROVING AND SUSTAINING STATE MEDICAL STOCKPILES.

Section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) is amended by adding at the end the following:

''(i) IMPROVING AND MAINTAINING STATE MEDICAL STOCKPILES.—

''(1) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall award grants, contracts, or cooperative agreements to eligible entities to maintain a stockpile of appropriate drugs, vaccines and other biological products, medical devices, and other medical supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests) to be used during a public health emergency declared by the Governor of a State or by the Secretary under section 319, or a major disaster or emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act, in order to support the preparedness goals described in paragraphs (2), (3), and (8) of section 2802(b).

''(2) ELIGIBLE ENTITIES.—

''(A) IN GENERAL.—To be eligible to receive an award under paragraph (1), an entity shall—

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

''(ii) prepare, in consultation with appropriate health care providers and health officials within the State or consortium of States, and submit to the Secretary an application that contains such information as the Secretary may require, including a plan for the State stockpile and a description of the activities such entity will carry out under the agreement, consistent with the requirements of paragraph (3).

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

''(C) SUPPLEMENT NOT SUPPLANT.—Awards, contracts, or grants awarded under this subsection shall supplement, not supplant, the reserve amounts of medical supplies procured by and for the Strategic National Stockpile under subsection (a).

''(D) ADMINISTRATIVE EXPENSES.—Not more than 5 percent of amounts received by an entity pursuant to an award under this subsection may be used for administrative expenses.

''(E) CLARIFICATION.—An eligible entity receiving an award under this subsection may assign a lead entity to manage the State stockpile, which may be a recipient of an award under section 319C–2(b).

''(F) REQUIREMENT OF MATCHING FUNDS.—

''(i) IN GENERAL.—Subject to clause (ii), the Secretary may not make an award under this subsection unless the applicant agrees, with respect to the costs to be incurred by the applicant in carrying out the purpose described in this subsection, to make available non-Federal contributions toward such costs in an amount equal to—

''(I) for each of fiscal years 2023 and 2024, not less than $1 for each $10 of Federal funds provided in the award;

''(II) for each of fiscal years 2025 and 2026, not less than $1 for each $5 of Federal funds provided in the award; and

''(III) for fiscal year 2027 and each fiscal year thereafter, not less than $1 for each $3 of Federal funds provided in the award.

''(ii) WAIVER.—

''(I) IN GENERAL.—The Secretary may, upon the request of a State, waive the requirement under clause (i) in whole or in part if the Secretary determines that extraordinary economic conditions in the State in the fiscal year involved or in the previous fiscal year justify the waiver.

''(II) APPLICABILITY OF WAIVER.—A waiver provided by the Secretary under this subparagraph shall apply only to the fiscal year involved.

''(3) STOCKPILING ACTIVITIES AND REQUIREMENTS.—A recipient of a grant, contract, or cooperative agreement under this subsection shall use such funds to carry out the following:

''(A) Maintaining a stockpile of appropriate drugs, vaccines and other biological products, medical devices, and other supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests) to be used during a public health emergency in such numbers, types, and amounts as the State determines necessary, consistent with such State's stockpile plan. Such a recipient may not use funds to support the stockpiling of countermeasures as defined under subsection (c), unless the eligible entity provides justification for maintaining such products and the Secretary determines such appropriate and applicable.

''(B) Deploying the stockpile as required by the State to respond to an actual or potential public health emergency.

''(C) Replenishing and making necessary additions or modifications to the contents of such stockpile or stockpiles, including to address potential depletion.

''(D) In consultation with Federal, State, and local officials, take into consideration the availability, deployment, dispensing, and administration requirements of medical products within the stockpile.

''(E) Ensuring that procedures are followed for inventory management and accounting, and for the physical security of the stockpile, as appropriate.

''(F) Reviewing and revising, as appropriate, the contents of the stockpile on a regular basis to ensure that to the extent practicable, advanced technologies and medical products are considered.

''(G) Carrying out exercises, drills, and other training for purposes of stockpile deployment, dispensing, and administration of medical products, and for purposes of assessing the capability of such stockpile to address the medical supply needs of public health emergencies of varying types and scales, which may be conducted in accordance with requirements related to exercises, drills, and other training for recipients of awards under section 319C–1 or 319C–2, as applicable.

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

''(4) STATE PLAN COORDINATION.—The eligible entity under this subsection shall ensure appropriate coordination of the State stockpile plan developed pursuant to paragraph (2)(A)(ii) and the plans required pursuant to section 319C–1.

''(5) GUIDANCE FOR STATES.—Not later than 180 days after the date of enactment of this subsection, the Secretary, acting through the Assistant Secretary for Preparedness and Response, shall issue guidance for States related to maintaining and replenishing a stockpile of medical products. The Secretary shall update such guidance as appropriate.

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

''(7) COORDINATION WITH THE STRATEGIC NATIONAL STOCKPILE.—Each recipient of an award under this subsection shall ensure that the State stockpile plan developed pursuant to paragraph (2)(A)(ii) contains such information as the Secretary may require related to current inventory of supplies maintained pursuant to paragraph (3), and any plans to replenish such supplies, or procure new or alternative supplies. The Secretary shall use information obtained from State stockpile plans to inform the maintenance and management of the Strategic National Stockpile pursuant to subsection (a).

''(8) PERFORMANCE AND ACCOUNTABILITY.—

''(A) IN GENERAL.—The Secretary, acting through the Assistant Secretary for Preparedness and Response, shall develop and implement a process to review and audit entities in receipt of an award under this subsection, including by establishing metrics to ensure that each entity receiving such an award is carrying out activities in accordance with the applicable State stockpile plan. The Secretary may require entities to—

''(i) measure progress toward achieving the outcome goals; and

''(ii) at least annually, test, exercise, and rigorously evaluate the stockpile capacity and response capabilities of the entity, and report to the Secretary on the results of such test, exercise, and evaluation, and on progress toward achieving outcome goals, based on criteria established by the Secretary.

''(B) NOTIFICATION OF FAILURE.—The Secretary shall develop and implement a process to notify entities that are determined by the Secretary to have failed to meet the requirements of the terms of an award under this subsection. Such process shall provide such entities with the opportunity to correct such noncompliance. An entity that fails to correct such noncompliance shall be subject to subparagraph (C).

''(C) WITHHOLDING OF CERTAIN AMOUNTS FROM ENTITIES THAT FAIL TO ACHIEVE BENCHMARKS OR SUBMIT STATE STOCKPILE PLAN.—Beginning with fiscal year 2022, and in each succeeding fiscal year, the Secretary shall withhold from each entity that has failed substantially to meet the terms of an award under this subsection for at least 1 of the 2 immediately preceding fiscal years (beginning with fiscal year 2022), the amount allowed for administrative expenses described in described in paragraph (2)(D).

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

''(10) ADVANCE APPROPRIATION.—

''(A) IN GENERAL.—There is appropriated, out of amounts in the Treasury not otherwise appropriated, for fiscal year 2021, for necessary expenses to establish and maintain State medical stockpiles pursuant to this subsection, $10,000,000,000, to remain available until September 30, 2030.

''(B) EMERGENCY DESIGNATION.—

''(i) IN GENERAL.—The amounts provided by this paragraph are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

''(ii) DESIGNATION IN SENATE.—In the Senate, this paragraph is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

''(C) APPLICATION OF PROVISIONS.—Amounts appropriated pursuant to this paragraph for fiscal year 2021 shall be subject to the requirements contained in Public Law 116–94 for funds for programs authorized under section 319F–2 of this Act.''.

SEC. __04. STRENGTHENING THE STRATEGIC NATIONAL STOCKPILE.

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

(1) in subsection (a)—

(A) in paragraph (2)(A), by adding ''and the contracts issued under paragraph (5)'' after ''paragraph (1)'';

(B) in paragraph (3)(F), by striking ''Secretary of Homeland Security'' and inserting ''Secretary of Health and Human Services, in coordination with or at the request of, the Secretary of Homeland Security,'';

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

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

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

''(A) enter into contracts or cooperative agreements with vendors for procurement, maintenance, and storage of reserve amounts of drugs, vaccines and other biological products, medical devices, and other medical supplies (including personal protective equipment, ancillary medical supplies, and other applicable supplies required for the administration of drugs, vaccines and other biological products, medical devices, and diagnostic tests in the stockpile), under such terms and conditions (including quantity, production schedule, maintenance costs, and price of product) as the Secretary may specify, including for purposes of—

''(i) maintenance and storage of reserve amounts of products intended to be delivered to the ownership of the Federal Government under the contract, which may consider costs of shipping, or otherwise transporting, handling, storage, and related costs for such product or products; and

''(ii) maintaining domestic manufacturing capacity of such products to ensure additional reserved production capacity of such products is available, and that such products are provided in a timely manner, to be delivered to the ownership of the Federal Government under the contract and deployed in the event that the Secretary determines that there is a need to quickly purchase additional quantities of such product; and

''(B) promulgate such regulations as the Secretary determines necessary to implement this paragraph.''; and

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

(i) in clause (viii), by striking ''; and'' and inserting a semicolon;

(ii) in clause (ix), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(x) an assessment of the contracts or cooperative agreements entered into pursuant to paragraph (5).''; and

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

SA 2531. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___IMPROVING PANDEMIC HEALTH RESPONSE

SEC. __01. IMPROVING EARLIER ACCESS TO DIAGNOSTIC TESTS.

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

''(k) IMPROVING DIAGNOSTIC TEST, TREATMENT, AND VACCINE RESEARCH AND DEVELOPMENT.—

''(1) VIRUS SAMPLE ACCESS.—Not later than 180 days after the date of enactment of this subsection, the Secretary shall, in coordination with the Director of the Centers for Disease Control and Prevention and the Commissioner of Food and Drugs, establish and make publicly available policies and procedures for public and private entities to access samples of specimens containing infectious disease agents, or suitable surrogates or alternatives, as appropriate, that may support the development of products, including the development of diagnostic tests, treatments, or vaccines, to address emerging infectious diseases for biomedical research purposes, and for use to otherwise respond to emerging infectious diseases, as the Secretary determines appropriate.

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

''(A) the method for requesting samples of specimens containing infectious disease agents;

''(B) criteria for sample availability and use of suitable surrogates or alternatives, as appropriate; and

''(C) information required to be provided in order to receive such samples or suitable surrogates or alternatives.

''(3) EARLIER DEVELOPMENT OF DIAGNOSTIC TESTS.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, may contract with public and private entities, as appropriate, to assist in the immediate and rapid development, validation, and dissemination of diagnostic tests, as appropriate, for purposes of biosurveillance and other immediate public health response activities to address an emerging infectious disease that has significant potential to cause a public health emergency.

''(4) CAPACITY PLANNING FOR SUPPLY NEEDS.—The Secretary, in coordination with the Commissioner of Food and Drugs and the Director of the Centers for Disease Control and Prevention, shall, as appropriate, consult with medical product manufacturers, suppliers, and other relevant stakeholders, as appropriate, to—

''(A) identify specific supplies or components needed, including specimen collection and transport materials, reagents, or other supplies related to the development, validation, or administration of a diagnostic test to detect an infectious disease for which an emergency use authorization is in effect under section 564 of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 360bbb–3);

''(B) identify projected demand for and availability of such supplies and communicate such information to medical product manufacturers, suppliers, and other relevant stakeholders during a public health emergency; and

''(C) support activities to increase the availability of such supplies or alternative products that may be appropriately substituted for such supplies during a public health emergency.''.

SEC. __02. GUIDANCE FOR STATES AND INDIAN TRIBES ON ACCESSING THE STRATEGIC NATIONAL STOCKPILE.

Not later than 15 days after the date of enactment of this Act, for purposes of the public health emergency declared by the Secretary pursuant to section 319 of the Public Health Service Act on January 31, 2020, with respect to COVID–19, the Secretary of Health and Human Services shall issue guidance to clarify the processes by which the Secretary of Health and Human Services provides Federal assistance through the Strategic National Stockpile under section 319F–2 of the Public Health Service Act (42 U.S.C. 247d–6b) to States, localities, territories, and Indian tribes and tribal organizations (as defined under section 4 of the Indian Self-Determination and Education Assistance Act). Such guidance shall include information related to processes by which to request access to medical supplies in the Strategic National Stockpile and factors considered by the Secretary of Health and Human Services when making distribution decisions.

SEC. __03. MODERNIZING INFECTIOUS DISEASE DATA COLLECTION.

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

(1) in subsection (c)—

(A) in paragraph (3)(A)(iv), by inserting ''(such as commercial, academic, and other hospital laboratories)'' after ''clinical laboratories'';

(B) in paragraph (5)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''and operating'' and inserting '', operating, and updating'';

(II) in clause (iv), by striking ''and'' at the end;

(III) in clause (v), by striking the period and inserting ''; and''; and

(IV) by adding at the end the following:

''(vi) integrate and update applicable existing Centers for Disease Control and Prevention data systems and networks in collaboration with State, local, tribal, and territorial public health officials, including public health surveillance and disease detection systems.''; and

(ii) in subparagraph (B)—

(I) in clause (i), by inserting ''and 60 days after the date of enactment of the Coronavirus Relief Fair Unemployment Compensation Act of 2020'' after ''Innovation Act of 2018'';

(II) in clause (ii), by inserting ''epidemiologists, clinical microbiologists, pathologists and laboratory experts, experts in health information technology, privacy, and data security'' after ''forecasting);''; and

(III) in clause (iii)—

(aa) in subclause (V), by striking ''and'' at the end;

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

(cc) by adding at the end the following:

''(VII) strategies to integrate laboratory and epidemiology systems and capabilities to conduct rapid and accurate laboratory tests;

''(VIII) strategies to improve the collection and reporting of appropriate, aggregated, deidentified demographic data to inform responses to public health emergencies, including identification of at-risk populations and to address health disparities; and

''(IX) strategies to improve the electronic exchange of health information between State and local health departments and health care providers and facilities to improve public health surveillance.''; and

(C) in paragraph (6)—

(i) in subparagraph (A)—

(I) in clause (iii)—

(aa) in subclause (III), by striking ''and'' at the end;

(bb) in subclause (IV), by inserting '', including the ability to conduct and report on rapid and accurate laboratory testing during a public health emergency'' before the semicolon; and

(cc) by adding at the end the following:

''(V) improve coordination and collaboration, as appropriate, with other Federal departments; and

''(VI) implement applicable lessons learned from recent public health emergencies to address gaps in situational awareness and biosurveillance capabilities, including an evaluation of ways to improve the collection and reporting of aggregated, deidentified demographic data to inform public health preparedness and response'';

(II) in clause (iv), by striking ''and'' at the end;

(III) in clause (v), by striking the period and inserting ''including a description of how such steps will further the goal of improving awareness of and timely responses to emerging infectious disease threats; and''; and

(IV) by adding at the end the following:

''(vi) identifies and demonstrates measurable steps the Secretary will take to further develop and integrate infectious disease detection, including expanding capabilities to conduct rapid and accurate diagnostic laboratory testing during a public health emergency, and improve coordination and collaboration with State, local, Tribal, and territorial public health officials, clinical laboratories (including commercial, hospital and academic laboratories), and other entities with expertise in public health surveillance.''; and

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

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

''(B) REPORTS.—

''(i) IN GENERAL.—Not later than 1 month after date of enactment of the Coronavirus Relief Fair Unemployment Compensation Act of 2020, and as provided for in clause (ii), the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives, a report on the status of the Department of Health and Human Services' biosurveillance modernization and assessment progress with respect to emerging infectious disease threats.

''(ii) ADDITIONAL REPORTS.—During the 2-year period beginning on the date of enactment of the Coronavirus Relief Fair Unemployment Compensation Act of 2020, the Secretary shall provide additional reports under clause (i) every 90 days after the submission of the initial report under such clause. The Secretary shall provide such reports annually thereafter. The Secretary may provide such additional reports less frequently, but not less frequently than every 180 days, during an ongoing public health emergency or another significant infectious disease outbreak.'';

(2) in subsection (d)—

(A) in paragraph (2)(C), by inserting '', including any public-private partnerships entered into to improve such capacity'' before the semicolon; and

(B) in paragraph (3)—

(i) in subparagraph (B), by striking ''and'' at the end;

(ii) in subparagraph (C), by striking the period and inserting ''; and''; and

(iii) by adding at the end the following:

''(D) may establish, enhance, or maintain a system or network for the collection of data to provide for early detection of infectious disease outbreaks, near real-time access to relevant electronic data and integration of electronic data and information from public health and other appropriate sources, such as laboratories, hospitals, and epidemiology systems, to enhance the capability to conduct rapid and accurate diagnostic laboratory tests to provide for disease detection.'';

(3) in subsection (f)(1)(A), by inserting ''pathologists, clinical microbiologists, laboratory professionals, epidemiologists,'' after ''forecasting),''; and

(4) in subsection (h), by adding at the end the following: ''Such evaluation shall include identification of any gaps in biosurveillance and situational awareness capabilities identified related to recent public health emergencies, any immediate steps taken to address such gaps, and any long-term plans to address such gaps, including steps related to activities authorized under this section.''.

(b) NATIONAL HEALTH SECURITY STRATEGY.—Section 2802(b)(2) of the Public Health Service Act (42 U.S.C. 300hh-1(b)(2)) is amended—

(1) in subparagraph (A), by inserting ''such as by integrating laboratory and epidemiology systems and capability to conduct rapid and accurate laboratory tests,'' after ''detection, identification,''; and

(2) in subparagraph (B), by inserting ''laboratory testing,'' after ''services and supplies,''.

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

(1) in paragraph (3), by striking ''and'';

(2) in paragraph (4), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(5) supporting activities of State and local public health departments related to biosurveillance and disease detection, which may include activities related to section 319D, as appropriate.''.

SEC. __04. CENTERS FOR PUBLIC HEALTH PREPAREDNESS.

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

''SEC. 319F–5. CENTERS FOR PUBLIC HEALTH PREPAREDNESS.

''(a) IN GENERAL.—The Secretary may award grants, contracts, or cooperative agreements to institutions of higher education or other nonprofit private entities for the establishment or support of a network of regional centers for public health preparedness (referred to in this section as 'Centers').

''(b) USE OF FUNDS.—Centers established or supported under this section shall—

''(1) advance the awareness of public health officials, health care professionals, and the public, with respect to information and research related to public health preparedness and response, including for chemical, biological, radiological, and nuclear threats, including emerging infectious diseases, and epidemiology of emerging infectious diseases;

''(2) identify and translate promising research findings or practices into evidence-based practices to inform preparedness for, and responses to, a chemical, biological, radiological, or nuclear agent, including emerging infectious diseases;

''(3) expand activities, including through public-private partnerships, as appropriate, related to public health preparedness and response, including participation in drills and exercises and training public health experts, as appropriate; and

''(4) provide technical assistance and expertise, as applicable, during public health emergencies, including for emerging infectious disease threats, which may include identifying and communicating evidence on the impacts of such threats on at-risk populations.

''(c) REQUIREMENTS.—To be eligible for an award under this section, an entity shall submit to the Secretary an application containing such information as the Secretary may require, including a description of how the entity will—

''(1) coordinate activities with State, local, and tribal health departments, hospitals, and health care coalitions, including recipients of awards under section 319C–1, 319C–2, or 319C–3, in order to improve preparedness, integrate capabilities and functions, and reduce duplication; and

''(2) prioritize efforts to implement evidence-based practices to improve public health preparedness and reduce the spread of emerging infectious disease threats.

''(d) DISTRIBUTION OF AWARDS.—In awarding grants, contracts, or cooperative agreements under this section, the Secretary shall support not fewer than 10 regional centers for public health preparedness, subject to the availability of appropriations.

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

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

(1) by striking subsection (d); and

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

SEC. __05. TELEHEALTH PLANS.

(a) PHSA.—Title XXVII of the Public Health Service Act (42 U.S.C. 300gg et seq.) is amended—

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

''(4) TELEHEALTH BENEFITS.—

''(A) IN GENERAL.—The requirements of subparts I and II (except section 2704 (relating to the prohibition of preexisting condition exclusions or other discrimination based on health status), section 2705 (relating to prohibition of discrimination against individual participants and beneficiaries based on health status), section 2712 (relating to prohibition of rescissions); and section 2726

(relating to parity in mental health or substance use disorder benefits) and as provided by the Secretary in guidance) shall not apply to any group health plan (or group health insurance coverage) offered by a large employer in relation to its provision of excepted benefits described in section 2791(c)(5) if the benefits—

''(i) are provided in accordance with guidance issued by the Secretary; and

''(ii) are made available only to employees (and dependents of such employees) who are not eligible for another group health plan or group health insurance coverage offered by the employer offering such benefits described in section 2791(c)(5).

''(B) SUNSET.—This paragraph shall have no force or effect with respect to plan years beginning on or after the later of—

''(i) January 1, 2022; or

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

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

''(5) BENEFITS FOR TELEHEALTH SERVICES ONLY.—

''(A) IN GENERAL.—Benefits for telehealth services and other remote care services only, as specified in the guidance entitled, 'FAQs about Families First Coronavirus Response Act and Coronavirus Aid, Relief, and Economic Security Act Implementation Part 43', issued by the Secretary, the Secretary of Labor, and the Secretary of the Treasury on June 23, 2020 (or any successor guidance).

''(B) SUNSET.—This paragraph shall have no force or effect with respect to plan years beginning on or after the later of—

''(i) January 1, 2022; or

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

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

(c) IMPLEMENTATION.—The Secretary of Health and Human Services, the Secretary of Labor, and the Secretary of the Treasury may implement the provisions of this section, including the amendments made by this section, through sub-regulatory guidance, program instruction, or otherwise.

SEC. __06. PROTECTION OF HUMAN GENETIC INFORMATION.

(a) IN GENERAL.—Notwithstanding any other provision of law, the Secretary of Health and Human Services shall ensure that no person may collect, store, analyze, disseminate, or otherwise make use of, or benefit from, any human genetic information collected as a result of diagnostic and serologic testing for COVID–19, for any incidental use, or any reason other than such diagnostic or serologic testing, except with the express, written, informed consent of the individual being tested.

(b) ENFORCEMENT.—Any person who violates subsection (a) shall be subject to a civil monetary penalty of not more than $100 for each such violation.

(c) DEFINITIONS.—In this section—

(1) the term ''genetic information'' has the meaning given such term in section 160.103 of title 45, Code of Federal Regulations (or any successor regulations); and

(2) the term ''incidental'' means any action taken by any person, directly or indirectly, to obtain genetic information from an individual, for any purpose, other than the purpose specifically authorized by the living individual from whom the specimen has its biological origin or another designated individual if the individual is a minor or is incapacitated, or if the individual is deceased, the individual's next of kin.

SEC. __07. REAGAN-UDALL FOUNDATION AND FOUNDATION FOR THE NATIONAL INSTITUTES OF HEALTH.

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

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

SA 2532. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. EXTENDING MEDICARE TELEHEALTH FLEXIBILITIES.

(a) EXPANDING ACCESS TO TELEHEALTH SERVICES.—

(1) IN GENERAL.—Section 1834(m)(4)(C) of the Social Security Act (42 U.S.C. 1395m(m)(4)(C)) is amended by adding at the end the following new clause:

''(iii) EXPANDING ACCESS TO TELEHEALTH SERVICES.—With respect to telehealth services furnished beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B) of this clause, the term 'originating site' means any site at which the eligible telehealth individual is located at the time the service is furnished via a telecommunications system, including the home of an individual.''.

(2) CONFORMING AMENDMENTS.—Such section is amended—

(A) in paragraph (2)(B)—

(i) in clause (i), in the matter preceding subclause (I), by striking ''clause (ii)'' and inserting ''clauses (ii) and (iii)''; and

(ii) by adding at the end the following new clause:

''(iii) NO FACILITY FEE FOR NEW SITES.—With respect to telehealth services furnished on or after the date of enactment of this clause, a facility fee shall only be paid under this subparagraph to an originating site that is described in paragraph (4)(C)(ii) (other than subclause (X) of such paragraph).''.

(B) in paragraph (4)(C)—

(i) in clause (i), in the matter preceding subclause (I), by inserting ''and clause (iii)'' after ''and (7)''; and

(ii) in clause (ii)(X), by inserting ''prior to the first day after the end of the emergency period described in section 1135(g)(1)(B)'' before the period;

(C) in paragraph (5), by inserting ''and prior to the first day after the end of the emergency period described in section 1135(g)(1)(B)'' after ''January 1, 2019,'';

(D) in paragraph (6)(A), by inserting ''and prior to the first day after the end of the emergency period described in section 1135(g)(1)(B),'' after ''January 1, 2019,''; and

(E) in paragraph (7), by inserting ''and prior to the first day after the end of the emergency period described in section 1135(g)(1)(B),'' after ''July 1, 2019,''.

(b) EXPANDING PRACTITIONERS ELIGIBLE TO FURNISH TELEHEALTH SERVICES.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (1), by striking ''(described in section 1842(b)(18)(C))'' and inserting ''(defined in paragraph (4)(E))''; and

(2) in paragraph (4)(E)—

(A) by striking ''PRACTITIONER.—The term'' and inserting ''PRACTITIONER.—

''(A) IN GENERAL.—Subject to subparagraph (B), the term''; and

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

''(B) EXPANSION.—The Secretary, after consulting with stakeholders regarding services that are clinically appropriate, may expand the types of practitioners who may furnish telehealth services to include any health care professional that is eligible to bill the program under this title for their professional services.''.

(c) RETENTION OF ADDITIONAL SERVICES AND SUBREGULATORY PROCESS FOR MODIFICATIONS FOLLOWING EMERGENCY PERIOD.—Section 1834(m)(4)(F) of the Social Security Act (42 U.S.C. 1395m(m)(4)(F)) is amended—

(1) in clause (i), by inserting ''and clause (iii)'' after ''paragraph (8)'';

(2) in clause (ii), by striking ''The Secretary'' and inserting ''Subject to clause (iii), the Secretary''; and

(3) by adding at the end the following new clause:

''(iii) RETENTION OF ADDITIONAL SERVICES AND SUBREGULATORY PROCESS FOR MODIFICATIONS FOLLOWING EMERGENCY PERIOD.—With respect to telehealth services furnished after the last day of the emergency period described in section 1135(g)(1)(B), the Secretary may—

''(I) retain as appropriate the expanded list of telehealth services specified in clause (i) pursuant to the waiver authority under section 1135(b)(8) during such emergency period; and

''(II) retain the subregulatory process used to modify the services included on the list of such telehealth services pursuant to clause (ii) during such emergency period.''.

(d) ENHANCING TELEHEALTH SERVICES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.—Section 1834(m)(8) of the Social Security Act (42 U.S.C. 1395m(m)(8)) is amended—

(1) in the paragraph heading by inserting ''AND AFTER'' after ''DURING '';

(2) in subparagraph (A), in the matter preceding clause (i), by inserting ''and after'' after ''During''; and

(3) in the first sentence of subparagraph (B)(i), by inserting ''and after'' after ''during''.

(e) USE OF TELEHEALTH, AS CLINICALLY APPROPRIATE, TO CONDUCT FACE-TO-FACE ENCOUNTER FOR HOSPICE CARE.—Section 1814(a)(7)(D)(i)(II) of the Social Security Act (42 U.S.C. 1395f(a)(7)(D)(i)(II)) is amended by inserting ''and after such emergency period as clinically appropriate'' after ''1135(g)(1)(B)''.

(f) USE OF TELEHEALTH, AS CLINICALLY APPROPRIATE, TO CONDUCT FACE-TO-FACE CLINICAL ASSESSMENTS FOR HOME DIALYSIS.—Clause (iii) of section 1881(b)(3)(B) of the Social Security Act (42 U.S.C. 1395rr(b)(3)(B)) is amended—

(1) by moving such clause 4 ems to the left; and

(2) by inserting ''and after such emergency period as clinically appropriate'' before the period.

(g) IMPLEMENTATION.—Notwithstanding any provision of law, the Secretary may implement the provisions of, and amendments made by, this section by interim final rule, program instruction, or otherwise.

SA 2533. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—STUDENT LOAN REPAYMENT AND FAFSA SIMPLIFICATION

SEC. ____. SHORT TITLE.

This title may be cited as the ''Student Loan Repayment and FAFSA Simplification Act''.

SEC. ____. SIMPLIFYING STUDENT LOAN REPAYMENT.

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

(1) in subsection (d)(1)—

(A) in subparagraph (D), by striking ''and'' after the semicolon;

(B) in subparagraph (E), by striking the period at the end and inserting ''; and''; and

(C) by adding at the end the following:

''(F) notwithstanding any other provision of law, in the case of a loan described in subsection (a) that enters repayment on or after October 1, 2020, or for which a borrower seeks to change to a different repayment plan on or after October 1, 2020, only a repayment plan described in subsection (r).''; and

(2) by adding at the end the following:

''(r) REPAYMENT.—

''(1) IN GENERAL.—For loans described under subsection (a) that enter repayment on or after October 1, 2020, or for which the borrower seeks to change to a different repayment plan on or after October 1, 2020, only the following repayment options shall be made available:

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

''(B) An income determined repayment plan, with an annual repayment amount in the amount determined in accordance with paragraph (2).

''(2) INCOME DETERMINED REPAYMENT PLANS.—

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

''(i) the borrower's, and the borrower's spouse's (if applicable), adjusted gross income; exceeds

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

''(B) EXCEPTIONS.—

''(i) REDUCTION FOR CERTAIN BORROWERS.—For a borrower, and the borrower's spouse (if applicable), whose adjusted gross income exceeds 800 percent of the poverty line applicable to the borrower's family size as determined under section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2)), the percentage amount calculated under subparagraph (A)(ii) shall decrease by 5 percent for each percentage point that the borrower's adjusted gross income exceeds 800 percent until the percentage amount calculated under subparagraph (A)(ii) is zero.

''(ii) UNAVAILABILITY TO CERTAIN BORROWERS.—The plan described in paragraph (1)(B) shall not be available to the borrower of a Federal Direct PLUS Loan made on behalf of a dependent student or a Federal Direct Consolidation Loan, if proceeds of such loan were used to discharge the liability on such Federal Direct PLUS Loan or a Federal PLUS Loan made under part B on behalf of a dependent student.

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

''(D) LOAN FORGIVENESS.—

''(i) IN GENERAL.—The Secretary shall repay or cancel any outstanding balance of principal and interest due on any loan repaid under the repayment plan described under paragraph (1)(B)—

''(I) for any undergraduate borrower who has made payments under such plan for 20 years; or

''(II) for any graduate borrower who has made payments under such plan for 25 years.

''(ii) LIMITATION.—Any period of time in which a borrower is in delinquency or default shall not count toward the repayment or cancellation described in clause (i).

''(3) MONTHLY PAYMENTS.—The Secretary shall determine the borrower's monthly payment obligation to satisfy the payment amount determined in accordance with subparagraphs (A) or (B) of paragraph (1).

''(4) BORROWER CHOICE.—A borrower who is repaying a loan under paragraph (1)(B) may elect, at any time, to terminate repayment pursuant to the income determined repayment plan and repay such loan under the standard repayment plan under paragraph (1)(A).''.

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

(1) in paragraph (1)(A)—

(A) in clause (iii), by striking ''or'' after the semicolon;

(B) in clause (iv), by striking ''; and'' and inserting ''; or''; and

(C) by adding at the end the following:

''(v) payments under an income determined repayment plan or a standard repayment plan under subsection (r), except as provided in paragraph (3); and'';

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

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

''(3) EXCEPTION.—

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

''(B) REQUIRED NOTIFICATION AND ACKNOWLEDGMENT.—

''(i) NOTIFICATION.—If a borrower who has elected an income determined repayment plan under subsection (r) subsequently indicates that the borrower wishes to change repayment plans, the Secretary shall notify the borrower that changing repayment plans will cause any monthly payments made prior to such change to not qualify toward the 120 monthly payments required for loan cancellation under this subsection.

''(ii) ACKNOWLEDGMENT.—The Secretary shall require acknowledgment of receipt of the notification under clause (i) from any borrower who has elected an income determined repayment plan under subsection (r) and subsequently indicates that the borrower wishes to change repayment plans.''.

(c) CERTIFICATION.—

(1) IN GENERAL.—Notwithstanding any other provision of law, a borrower of a loan made, insured, or guaranteed under part B or D of title IV of the Higher Education Act of 1965 (20 U.S.C. 1071 et seq.; 1087a et seq.) wishing to enter into an income determined repayment plan, as defined in section 455(r) of the Higher Education Act of 1965 (20 U.S.C. 1087e(r)) may self-certify that the borrower is unemployed for the purposes of determining a zero payment.

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

(3) AUDIT.—

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

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

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

SEC. ____. MAKING IT EASIER TO APPLY FOR FEDERAL AID AND MAKING THAT AID PREDICTABLE.

(a) NEED ANALYSIS.—

(1) IN GENERAL.—Section 471 of the Higher Education Act of 1965 (20 U.S.C. 1087kk) is amended to read as follows:

''SEC. 471. AMOUNT OF NEED.

''(a) IN GENERAL.—Except as otherwise provided therein, beginning with award year 2022–2023, the amount of need of any student for financial assistance under this title (except subpart 1 or 2 of part A) is equal to—

''(1) the cost of attendance of such student, minus

''(2) the student aid index (as defined in section 473) for such student, minus

''(3) other financial assistance not received under this title (as defined in section 480(j)).

''(b) EFFECTIVE DATE OF CHANGES.—The amendments made to this title under the Student Loan Repayment and FAFSA Simplification Act shall take effect beginning with award year 2022–2023. The amounts provided under such amendments for award year 2020–2021 shall be used solely as a base to determine adjustments for subsequent award years.''.

(2) MAXIMUM AID UNDER PART D.—Section 451 of the Higher Education Act of 1965 (20 U.S.C. 1087a) is amended by adding at the end the following:

''(c) MAXIMUM AID.—The maximum dollar amount of financial assistance provided under this part to a student shall not exceed the cost of attendance for such student.''.

(3) GUIDANCE TO STATES.—The Secretary of Education shall issue guidance for States on interpretation and implementation of the terminology and formula adjustments made under the amendments made by this Act, including the student aid index, formerly known as the expected family contribution, and the need analysis formulas.

(b) COST OF ATTENDANCE AND STUDENT AID INDEX.—Sections 472 and 473 of the Higher Education Act of 1965 (20 U.S.C. 1087ll and 1087mm) are amended to read as follows:

''SEC. 472. COST OF ATTENDANCE.

''(a) IN GENERAL.—For the purpose of this title, the term 'cost of attendance' means—

''(1) tuition and fees normally assessed a student carrying the same academic workload as determined by the institution, and

including costs for rental or purchase of any equipment, materials, or supplies required of all students in the same course of study;

''(2) an allowance for books, supplies, and transportation, including a reasonable allowance for the documented rental or purchase of suggested electronic equipment, as determined by the institution;

''(3) an allowance for miscellaneous personal expenses, for a student attending the institution on at least a half-time basis, as determined by the institution;

''(4) an allowance for living expenses, including food and housing costs, to be incurred by the student attending the institution on at least a half-time basis, as determined by the institution, which includes—

''(A) for students electing institutionally owned or operated food services, such as board or meal plans, shall be a standard allowance for such services that provides the equivalent of three meals each day;

''(B) for students not electing institutionally owned or operated food services, such as board or meal plans, shall be a standard allowance for purchasing food off campus that provides the equivalent of three meals each day, which shall not exceed the standard allowance provided in paragraph (A);

''(C) for students without dependents residing in institutionally owned or operated housing, shall be a standard allowance determined by the institution based on average or median amount assessed to such residents for housing charges, whichever is greater;

''(D) for students with dependents residing in institutionally owned or operated housing, shall be a standard allowance determined by the institution based on the average or median amount assessed to such residents for housing charges, whichever is greater;

''(E) for students living off campus, and not in institutionally owned or operated housing, shall be a standard allowance for rent or other housing costs, which, if applicable, shall not exceed the standard allowance provided in paragraph (C) or (D) with respect to whether the student has dependents;

''(F) for dependent students residing at home with parents shall be a standard allowance determined by the institution;

''(G) for students who live in housing located on a military base or for which a basic allowance is provided under section 403(b) of title 37, United States Code, shall be a standard allowance for food based upon a student's choice of purchasing food on-campus or off-campus (determined respectively in accordance with subparagraph (A) or (B)), but not for housing costs; and

''(H) for all other students shall be an allowance based on the expenses reasonably incurred by such students for housing and food;

''(5) for a student engaged in a program of study by correspondence, only tuition and fees and, if required, books and supplies, travel, and housing and food costs incurred specifically in fulfilling a required period of residential training;

''(6) for incarcerated students, only tuition, fees, books, supplies, and the cost of obtaining a license, certification, or a first professional credential in accordance with paragraph (13);

''(7) for a student enrolled in an academic program in a program of study abroad approved for credit by the student's home institution, reasonable costs associated with such study (as determined by the institution at which such student is enrolled);

''(8) for a student with one or more dependents, an allowance based on the estimated actual expenses incurred for such dependent care, based on the number and age of such dependents, except that—

''(A) such allowance shall not exceed the reasonable cost in the community in which such student resides for the kind of care provided; and

''(B) the period for which dependent care is required includes, but is not limited to, class-time, study-time, field work, internships, and commuting time;

''(9) for a student with a disability, an allowance (as determined by the institution) for those expenses related to the student's disability, including special services, personal assistance, transportation, equipment, and supplies that are reasonably incurred and not provided for by other assisting agencies;

''(10) for a student receiving all or part of the student's instruction by means of telecommunications technology, no distinction shall be made with respect to the mode of instruction in determining costs;

''(11) for a student engaged in a work experience under a cooperative education program, an allowance for reasonable costs associated with such employment (as determined by the institution);

''(12) for a student who receives a Federal student loan made under this title or any other Federal law, to cover a student's cost of attendance at the institution, an allowance for the actual cost of any loan fee, origination fee, or insurance premium charged to such student or such parent on such loan; and

''(13) for a student in a program requiring professional licensure, certification, or a first professional credential the cost of obtaining the license, certification, or a first professional credential.

''(b) SPECIAL RULE FOR LIVING EXPENSES FOR LESS-THAN-HALF-TIME STUDENTS.—An institution of higher education may include an allowance for living expenses, including food and housing costs in accordance with subsection (a)(4) for up to three semesters, or the equivalent, with no more than two semesters being consecutive.

''(c) DISCLOSURE OF COST OF ATTENDANCE ELEMENTS.—Each institution shall make publicly available on the institution's website a list of all the elements of cost of attendance described in subsection (a), including, for a student with one or more dependents, an allowance based on the estimated actual expenses incurred for dependent care, as described in subsection (a)(8).

''SEC. 473. SPECIAL RULES FOR STUDENT AID INDEX.

''(a) IN GENERAL.—For the purpose of this title, other than subpart 1 or 2 of part A, the term 'student aid index' means, with respect to a student, an index that reflects an evaluation of a student's approximate financial resources to contribute toward the student's postsecondary education for the academic year, as determined in accordance with this part.

''(b) SPECIAL RULE FOR STUDENTS ELIGIBLE FOR THE TOTAL MAXIMUM PELL GRANT.—The Secretary shall consider an applicant to automatically have a student aid index equal to zero if the applicant is eligible for the total maximum Federal Pell Grant under subpart 1 of part A, except that, if the applicant has a calculated student aid index of less than zero the Secretary shall consider the negative number as the student aid index for the applicant.

''(c) SPECIAL RULE FOR NONFILERS.—For an applicant (or, as applicable, an applicant and spouse, or an applicant's parents) who is not required to file a Federal tax return for the second preceding tax year, the Secretary shall for the purposes of this title consider the student aid index as equal to −$1,500 for the applicant.

''(d) SPECIAL RULE FOR RECIPIENTS OF MEANS-TESTED BENEFITS.—For an applicant (including the student, the student's parent, or the student's spouse, as applicable) who at any time during the previous 24-month period, received a benefit under a means-tested Federal benefit program, the Secretary shall consider an applicant to automatically have a student aid index equal to zero, except if the applicant has a calculated student aid index of less than zero the Secretary shall consider the negative number as the student aid index for the applicant.

''(e) MEANS-TESTED FEDERAL BENEFIT PROGRAM.—In this section, the term 'means-tested Federal benefit program' means any of the following:

''(1) The supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

''(2) The supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

''(3) The program of block grants for States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

''(4) The special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

''(5) The Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(6) Federal housing assistance programs, including tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and public housing, as defined in section 3(b)(1) of such Act (42 U.S.C. 1437a(b)(1)).

''(7) Other means-tested programs determined by the Secretary to be approximately consistent with the income eligibility requirements of the means-tested programs under paragraphs (1) through (6).

''(f) SPECIAL RULE FOR NONFILERS WHO ARE ALSO RECIPIENTS OF MEANS-TESTED BENEFITS.—For an applicant (or, as applicable, and applicant and spouse, or an applicant's parents) who is not required to file a Federal tax return for the second preceding tax year and who at any time during the previous 24-month period received a benefit under a means-tested Federal benefit program, the Secretary shall, for the purposes of this title, consider the student aid index as equal to -$1,500 for the applicant.''.

(c) DETERMINATION OF STUDENT AID INDEX.—Section 474 of the Higher Education Act of 1965 (20 U.S.C. 1087nn) is amended to read as follows:

''SEC. 474. DETERMINATION OF STUDENT AID INDEX.

''The student aid index—

''(1) for a dependent student shall be determined in accordance with section 475;

''(2) for a single independent student or a married independent student without dependents (other than a spouse) shall be determined in accordance with section 476; and

''(3) for an independent student with dependents other than a spouse shall be determined in accordance with section 477.''.

(d) STUDENT AID INDEX FOR DEPENDENT STUDENTS.—Section 475 of the Higher Education Act of 1965 (20 U.S.C. 1087oo) is amended to read as follows:

''SEC. 475. STUDENT AID INDEX FOR DEPENDENT STUDENTS.

''(a) COMPUTATION OF STUDENT AID INDEX.—

''(1) IN GENERAL.—For each dependent student, the student aid index is equal to (except as provided in paragraph (2)) the sum of—

''(A) the assessment of the parents' adjusted available income (determined in accordance with subsection (b));

''(B) the assessment of the student's available income (determined in accordance with subsection (g)); and

''(C) the student's available assets (determined in accordance with subsection (h)).

''(2) EXCEPTION.—If the sum determined under paragraphs (1), with respect to a dependent student, is less than −$1,500, the student aid index for the dependent student shall be −$1,500.

''(b) ASSESSMENT OF PARENTS' ADJUSTED AVAILABLE INCOME.—The assessment of parents' adjusted available income is equal to the amount determined by—

''(1) computing adjusted available income by adding—

''(A) the parents' available income (determined in accordance with subsection (c)); and

''(B) the parents' available assets (determined in accordance with subsection (d));

''(2) assessing such adjusted available income in accordance with the assessment schedule set forth in subsection (e); and

''(3) considering such assessment resulting under paragraph (2) as the amount determined under this subsection.

''(c) PARENTS' AVAILABLE INCOME.—

''(1) IN GENERAL.—The parents' available income is determined by subtracting from total income (as defined in section 480)—

''(A) Federal income taxes;

''(B) an allowance for payroll taxes, determined in accordance with paragraph (2);

''(C) an income protection allowance, determined in accordance with paragraph (3); and

''(D) an employment expense allowance, determined in accordance with paragraph (4).

''(2) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

''(A) the total amount earned by the parents, multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

''(B) the amount earned by the parents that does not exceed such contribution and benefit base (twice such contribution and benefit base, in the case of a joint return) for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

''(3) INCOME PROTECTION ALLOWANCE.—The income protection allowance for award year 2021–2022 and each succeeding award year shall equal the amount determined in the following table, as adjusted by the Secretary pursuant to section 478(b):

''Income Protection Allowance 2021–2022 (to be adjusted for 2022–2023 and succeeding years)

Family Size (including student)	Amount
2	$19,080
3	$23,760
4	$29,340
5	$34,620
6	$40,490
For each additional add	$4,750.

''(4) EMPLOYMENT EXPENSE ALLOWANCE.—The employment expense allowance is equal to the lesser of $4,000 or 35 percent of the single parent's earned income or married parents' combined earned income (or is equal to a successor amount as adjusted by the Secretary pursuant to section 478(g)).

''(d) PARENTS' AVAILABLE ASSETS.—

''(1) IN GENERAL.—

''(A) DETERMINATION.—Except as provided in subparagraph (B), the parents' available assets are equal to—

''(i) the difference between the parents' net assets and the education savings and asset protection allowance (determined in accordance with paragraph (2)); multiplied by

''(ii) 12 percent.

''(B) NOT LESS THAN ZERO.—Parents' available assets under this subsection shall not be less than zero.

''(2) EDUCATION SAVINGS AND ASSET PROTECTION ALLOWANCE.—The education savings and asset protection allowance is calculated according to the following table (or a successor table prescribed by the Secretary under section 478(d)):

''Education Savings and Asset Protection Allowances for Parents of Dependent Students

If the age of the oldest parent is—	And there are: two parents — then the allowance is—	And there are: one parent
25 or less	$0	$0
26	$300	$100
27	$700	$200
28	$1,000	$300
29	$1,300	$500
30	$1,600	$600
31	$2,000	$700
32	$2,300	$800
33	$2,600	$900
34	$2,900	$1,000
35	$3,300	$1,100
36	$3,600	$1,200
37	$3,900	$1,300
38	$4,200	$1,500
39	$4,600	$1,600
40	$4,900	$1,700
41	$5,100	$1,700
42	$5,200	$1,700
43	$5,300	$1,800
44	$5,400	$1,800
45	$5,500	$1,900
46	$5,700	$1,900
47	$5,800	$1,900
48	$6,000	$2,000
49	$6,100	$2,000
50	$6,300	$2,100
51	$6,400	$2,100
52	$6,600	$2,200
53	$6,800	$2,200
54	$6,900	$2,300
55	$7,100	$2,300
56	$7,300	$2,400
57	$7,500	$2,500
58	$7,700	$2,500
59	$7,900	$2,600
60	$8,200	$2,700
61	$8,400	$2,700
62	$8,600	$2,800
63	$8,900	$2,900
64	$9,200	$2,900
65 or more	$9,400	$3,000.

''(e) ASSESSMENT SCHEDULE.—The assessment of the parents' adjusted available income (as determined under subsection (b)(1) and hereafter in this subsection referred to as 'AAI') is calculated according to the following table (or a successor table prescribed by the Secretary under section 478(e)):

''Parents' Contribution From AAI

If the parents' AAI is—	Then the parents' contribution from AAI is—
Less than –$6,820	–$1,500
–$6,820 to $17,000	22% of AAI
$17,001 to $21,400	$3,740 + 25% of AAI over $17,000
$21,401 to $25,700	$4,840 + 29% of AAI over $21,400
$25,701 to $30,100	$6,087 + 34% of AAI over $25,700
$30,101 to $34,500	$7,583 + 40% of AAI over $30,100
$34,501 or more	$9,343 + 47% of AAI over $34,500.

''(f) CONSIDERATION OF PARENTAL INCOME.—

''(1) PARENTS WHO LIVE TOGETHER.—Parental income and assets in the case of student whose parents are married and not separated, or who are unmarried but live together, shall include the income and assets of both parents.

''(2) DIVORCED OR SEPARATED PARENTS.—Parental income and assets for a student whose parents are divorced or separated, but not remarried, is determined by including only the income and assets of the parent who provides the greater portion of the student's financial support.

''(3) DEATH OF A PARENT.—Parental income and assets in the case of the death of any parent is determined as follows:

''(A) If either of the parents has died, the surviving parent shall be considered a single parent, until that parent has remarried.

''(B) If both parents have died, the student shall not report any parental income or assets.

''(4) REMARRIED PARENTS.—If a parent whose income and assets are taken into account under paragraph (2), or if a parent who is a widow or widower and whose income is taken into account under paragraph (3), has remarried, the income of that parent's spouse shall be included in determining the parent's assessment of adjusted available income if the student's parent and the stepparent are married as of the date of application for the award year concerned.

''(5) SINGLE PARENT WHO IS NOT DIVORCED OR SEPARATED.—Parental income and assets in the case of a student whose parent is a single parent but who is not divorced, separated, or remarried, shall include the income and assets of such single parent.

''(g) STUDENT'S AVAILABLE INCOME.—

''(1) IN GENERAL.—The student's available income is equal to—

''(A) the difference between the student's total income (determined in accordance with section 480) and the adjustment to student income (determined in accordance with paragraph (2)); multiplied by

''(B) 50 percent.

''(2) ADJUSTMENT TO STUDENT INCOME.—The adjustment to student income is equal to the sum of—

''(A) Federal income taxes;

''(B) an allowance for payroll taxes determined in accordance with paragraph (3);

''(C) an income protection allowance that is equal to—

''(i) $9,110 for award year 2021–2022; and

''(ii) for each succeeding award year, the amount adjusted pursuant to section 478(b); and

''(D) an allowance for parents' negative available income, determined in accordance with paragraph (4).

''(3) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

''(A) the total amount earned by the student, multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

''(B) the amount earned by the student that does not exceed such contribution and benefit base for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

''(4) ALLOWANCE FOR PARENTS' NEGATIVE AVAILABLE INCOME.—The allowance for parents' negative available income is the amount, if any, by which the sum of the amounts deducted under subsection (c)(1) exceeds the sum of the parents' total income (as defined in section 480) and the parents' available assets (as determined in accordance with subsection (d)).

''(h) STUDENT'S ASSETS.—The student's assets are determined by calculating the net assets of the student and multiplying such amount by 20 percent, except that the result shall not be less than zero.''.

(e) STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.—Section 476 of the Higher Education Act of 1965 (20 U.S.C. 1087pp) is amended to read as follows:

''SEC. 476. STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITHOUT DEPENDENTS OTHER THAN A SPOUSE.

''(a) COMPUTATION OF STUDENT AID INDEX.—

''(1) IN GENERAL.—For each independent student without dependents other than a spouse, the student aid index is equal to (except as provided in paragraph (2)) the sum of—

''(A) the family's available income (determined in accordance with subsection (b)); and

''(B) the family's available assets (determined in accordance with subsection (c)).

''(2) EXCEPTION.—If the sum of paragraphs (1) with respect to a independent student without dependents other than a spouse is less than −$1,500, the student aid index for the independent student shall be −$1,500.

''(b) FAMILY'S AVAILABLE INCOME.—

''(1) IN GENERAL.—The family's available income is determined by—

''(A) deducting from total income (as defined in section 480)—

''(i) Federal income taxes;

''(ii) an allowance for payroll taxes, determined in accordance with paragraph (2);

''(iii) an income protection allowance that is equal to—

''(I) in the case of a single independent student without dependents—

''(aa) $14,190 for award year 2021–2022; and

''(bb) for each succeeding award year, the amount adjusted pursuant to section 478(b); and

''(II) in the case of a married independent student without dependents—

''(aa) $22,750 for award year 2021–2022; and

''(bb) for each succeeding award year, the amount adjusted pursuant to section 478(b); and

''(iv) in the case of a married independent student, an employment expense allowance, as determined in accordance with paragraph (3); and

''(B) multiplying the amount determined under subparagraph (A) by 50 percent.

''(2) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

''(A) the total amount earned by the student (and spouse, if appropriate), multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

''(B) the amount earned by the student (and spouse, if appropriate) that does not exceed such contribution and benefit base (twice such contribution and benefit base, in the case of a joint return) for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

''(3) EMPLOYMENT EXPENSES ALLOWANCE.—The employment expense allowance is equal to the following:

''(A) If the student is married, such allowance is equal to the lesser of $4,000 or 35 percent of the couple's combined earned income (or is equal to a successor amount as adjusted by the Secretary pursuant to section 478(g)).

''(B) If the student is not married, the employment expense allowance is zero.

''(c) FAMILY'S AVAILABLE ASSETS.—

''(1) IN GENERAL.—

''(A) DETERMINATION.—Except as provided in subparagraph (B), the family's available assets are equal to—

''(i) the difference between the family's assets (as defined in section 480(f)) and the asset protection allowance (determined in accordance with paragraph (2)); multiplied by

''(ii) 20 percent.

''(B) NOT LESS THAN ZERO.—The family's available assets under this subsection shall not be less than zero.

''(2) ASSET PROTECTION ALLOWANCE.—The asset protection allowance is calculated according to the following table (or a successor table prescribed by the Secretary under section 478(d)):

''Asset Protection Allowances for Families and Students

If the age of the student is—	And the student is married: then the allowance is—	And the student is single
25 or less	$0	$0
26	$300	$100
27	$700	$200
28	$1,000	$300
29	$1,300	$500
30	$1,600	$600
31	$2,000	$700
32	$2,300	$800
33	$2,600	$900
34	$2,900	$1,000
35	$3,300	$1,100
36	$3,600	$1,200
37	$3,900	$1,400
38	$4,200	$1,500
39	$4,600	$1,600
40	$4,900	$1,700
41	$5,100	$1,700
42	$5,200	$1,700
43	$5,300	$1,800
44	$5,400	$1,800
45	$5,500	$1,900
46	$5,700	$1,900
47	$5,800	$1,900
48	$6,000	$2,000
49	$6,100	$2,000
50	$6,300	$2,100
51	$6,400	$2,100
52	$6,600	$2,200
53	$6,800	$2,200
54	$6,900	$2,300
55	$7,100	$2,300
56	$7,300	$2,400
57	$7,500	$2,500
58	$7,700	$2,500
59	$7,900	$2,600
60	$8,200	$2,700
61	$8,400	$2,700
62	$8,600	$2,800
63	$8,900	$2,900
64	$9,200	$2,900
65 or more	$9,400	$3,000.

''(d) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income and assets shall not be considered in determining the family's available income or assets.''.

(f) STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.—Section 477 of the Higher Education Act of 1965 (20 U.S.C. 1087qq) is amended to read as follows:

''SEC. 477. STUDENT AID INDEX FOR INDEPENDENT STUDENTS WITH DEPENDENTS OTHER THAN A SPOUSE.

''(a) COMPUTATION OF STUDENT AID INDEX.—For each independent student with dependents other than a spouse, the student aid index is equal to the amount determined by—

''(1) computing adjusted available income by adding—

''(A) the family's available income (determined in accordance with subsection (b)); and

''(B) the family's available assets (determined in accordance with subsection (c));

''(2) assessing such adjusted available income in accordance with an assessment schedule set forth in subsection (d); and

''(3) considering such assessment resulting under paragraph (2) as the amount determined under this subsection.

''(b) FAMILY'S AVAILABLE INCOME.—

''(1) IN GENERAL.—The family's available income is determined by deducting from total income (as defined in section 480)—

''(A) Federal income taxes;

''(B) an allowance for payroll taxes, determined in accordance with paragraph (2);

''(C) an income protection allowance, determined in accordance with paragraph (3); and

''(D) an employment expense allowance, determined in accordance with paragraph (4).

''(2) ALLOWANCE FOR PAYROLL TAXES.—The allowance for payroll taxes is equal to the sum of—

''(A) the total amount earned by the student (and spouse, if appropriate), multiplied by the rate of tax under section 3101(b) of the Internal Revenue Code of 1986; and

''(B) the amount earned by the student (and spouse, if appropriate) that does not exceed such contribution and benefit base (twice such contribution and benefit base, in the case of a joint return) for the year of the earnings, multiplied by the rate of tax applicable to such earnings under section 3101(a) of the Internal Revenue Code of 1986.

''(3) INCOME PROTECTION ALLOWANCE.—The income protection allowance for award year 2021–2022 and each succeeding award year shall equal the amount determined in the

''Asset Protection Allowances for Families and Students—Continued

If the age of the student is—	And the student is married: then the allowance is—	And the student is single
52	$6,600	$2,200
53	$6,800	$2,200
54	$6,900	$2,300
55	$7,100	$2,300
56	$7,300	$2,400
57	$7,500	$2,500
58	$7,700	$2,500
59	$7,900	$2,600
60	$8,200	$2,700
61	$8,400	$2,700
62	$8,600	$2,800
63	$8,900	$2,900
64	$9,200	$2,900
65 or more	$9,400	$3,000.

following table, as adjusted by the Secretary pursuant to section 478(b):

''(A) In the case of a married independent student with dependents:

''Income Protection Allowance 2021–2022 (to be adjusted for 2022–2023 and succeeding years)

Family Size (including student)	Amount
3	$44,470
4	$55,260
5	$65,190
6	$76,230
For each additional add	$8,610.

''(B) In the case of a single independent student with dependents:

''Income Protection Allowance 2021–2022 (to be adjusted for 2022–2023 and succeeding years)

Family Size (including student)	Amount
2	$43,128
3	$54,364
4	$66,312
5	$78,228
6	$91,476
For each additional add	$10,332.

''(4) EMPLOYMENT EXPENSE ALLOWANCE.—The employment expense allowance is equal to the lesser of $4,000 or 35 percent of the student's earned income or the combined earned income of the student and the student's spouse (or is equal to a successor amount as adjusted by the Secretary under section 478(g)).

''(c) FAMILY'S AVAILABLE ASSETS.—

''(1) IN GENERAL.—

''(A) DETERMINATION.—Except as provided in subparagraph (B), the family's available assets are equal to—

''(i) the difference between the family's assets (as defined in 480(f)) and the asset protection allowance (determined in accordance with paragraph (2)); multiplied by

''(ii) 7 percent.

''(B) NOT LESS THAN ZERO.—Family's available assets under this subsection shall not be less than zero.

''(2) ASSET PROTECTION ALLOWANCE.—The asset protection allowance is calculated according to the following table (or a successor table prescribed by the Secretary under section 478(d)):

''Asset Protection Allowances for Families and Students

If the age of the student is—	And the student is married: then the allowance is—	And the student is single
25 or less	$0	$0
26	$300	$100
27	$700	$200
28	$1,000	$300
29	$1,300	$500
30	$1,600	$600
31	$2,000	$700
32	$2,300	$800
33	$2,600	$900
34	$2,900	$1,000
35	$3,300	$1,100
36	$3,600	$1,200
37	$3,900	$1,400
38	$4,200	$1,500
39	$4,600	$1,600
40	$4,900	$1,700
41	$5,100	$1,700

''Asset Protection Allowances for Families and Students—Continued

If the age of the student is—	And the student is married: then the allowance is—	And the student is single
42	$5,200	$1,700
43	$5,300	$1,800
44	$5,400	$1,800
45	$5,500	$1,900
46	$5,700	$1,900
47	$5,800	$1,900
48	$6,000	$2,000
49	$6,100	$2,000
50	$6,300	$2,100
51	$6,400	$2,100
52	$6,600	$2,200
53	$6,800	$2,200
54	$6,900	$2,300
55	$7,100	$2,300
56	$7,300	$2,400
57	$7,500	$2,500
58	$7,700	$2,500
59	$7,900	$2,600
60	$8,200	$2,700
61	$8,400	$2,700
62	$8,600	$2,800
63	$8,900	$2,900
64	$9,200	$2,900
65 or more	$9,400	$3,000.

''(d) ASSESSMENT SCHEDULE.—The assessment of adjusted available income (as determined under subsection (a)(1) and hereafter in this subsection referred to as 'AAI') is calculated according to the following table (or a successor table prescribed by the Secretary pursuant to section 478(e)):

''Assessment From Adjusted Available Income

If AAI is—	Then the assessment is—
Less than –$6,820	–$1,500
–$6,820 to $17,000	22% of AAI
$17,001 to $21,400	$3,740 + 25% of AAI over $17,000
$21,401 to $25,700	$4,840 + 29% of AAI over $21,400
$25,701 to $30,100	$6,087 + 34% of AAI over $25,700
$30,101 to $34,500	$7,583 + 40% of AAI over $30,100
$34,501 or more	$9,343 + 47% of AAI over $34,500.

''(e) COMPUTATIONS IN CASE OF SEPARATION, DIVORCE, OR DEATH.—In the case of a student who is divorced or separated, or whose spouse has died, the spouse's income and assets shall not be considered in determining the family's available income or assets.''.

(g) REGULATIONS; UPDATED TABLES.—Section 478 of the Higher Education Act of 1965 (20 U.S.C. 1087rr) is amended to read as follows:

''SEC. 478. REGULATIONS; UPDATED TABLES.

''(a) AUTHORITY TO PRESCRIBE REGULATIONS RESTRICTED.—Notwithstanding any other provision of law, the Secretary shall not have the authority to prescribe regulations to carry out this part except—

''(1) to prescribe updated tables in accordance with subsections (b) through (g); or

''(2) with respect to the definition of cost of attendance under section 472, excluding section 472(a)(1).

''(b) INCOME PROTECTION ALLOWANCE ADJUSTMENTS.—For award year 2022–2023 and each succeeding award year, the Secretary shall publish in the Federal Register revised income protection allowances for the purposes of subsections (c)(3) and (g)(2)(C) of section 475, subclauses (I) and (II) of section 476(b)(1)(A)(iii), and section 477(b)(3), by increasing the income protection allowances in each of such provisions, by a percentage equal to the percentage increase in the Consumer Price Index, as defined in subsection (f), between April 2019 and the April prior to the beginning of the award year and rounding the result to the nearest $10.

''(c) ADJUSTED NET WORTH OF A FARM OR BUSINESS.—

''(1) TABLE.—The table of the net worth of a business or farm for purposes of making determinations of assets as defined under section 480(f) for award year 2021–2022 is the following:

''Business/Farm Net Worth Adjustment

If the net worth of a business or farm is—	Then the adjusted net worth is—
Less than $1	$0
$1 to $135,000	40% of net worth of business/farm
$135,001 to $410,000	$54,000 + 50% of net worth over $135,000
$410,001 to $680,000	$191,500 + 60% of net worth over $410,000
$680,001 or more	$353,500 + 100% of net worth over $680,000.

''(2) REVISED TABLES.—For award year 2022–2023 and each succeeding award year, the Secretary shall publish in the Federal Register a revised table of adjusted net worth of a farm or business for purposes of section 480(f). Such revised table shall be developed—

''(A) by increasing each dollar amount that refers to net worth of a farm or business by a percentage equal to the percentage increase in the Consumer Price Index between

April 2019 and the April prior to the beginning of such award year, and rounding the result to the nearest $5,000; and

''(B) by adjusting the dollar amounts in the column referring the adjusted net worth to reflect the changes made pursuant to subparagraph (A).

''(d) EDUCATION SAVINGS AND ASSET PROTECTION ALLOWANCE.—For award year 2022–2023 and each succeeding award year, the Secretary shall publish in the Federal Register a revised table of allowances for the purpose of sections 475(d)(2), 476(c)(2), and 477(c)(2). Such revised table shall be developed by determining the present value cost, rounded to the nearest $100, of an annuity that would provide, for each age cohort of 40 and above, a supplemental income at age 65 (adjusted for inflation) equal to the difference between the moderate family income (as most recently determined by the Bureau of Labor Statistics), and the current average social security retirement benefits. For each age cohort below 40, the allowance shall be computed by decreasing the allowance for age 40, as updated, by one-fifteenth for each year of age below age 40 and rounding the result to the nearest $100. In making such determinations—

''(1) inflation shall be presumed to be 6 percent per year;

''(2) the rate of return of an annuity shall be presumed to be 8 percent; and

''(3) the sales commission on an annuity shall be presumed to be 6 percent.

''(e) ASSESSMENT SCHEDULES AND RATES.—For award year 2022–2023 and each succeeding award year, the Secretary shall publish in the Federal Register a revised table of assessments from adjusted available income for the purpose of sections 475(e) and 477(d). Such revised table shall be developed—

''(1) by increasing each dollar amount that refers to adjusted available income by a percentage equal to the percentage increase in the Consumer Price Index between April 2019 and the April prior to the beginning of such academic year, rounded to the nearest $100; and

''(2) by adjusting the other dollar amounts to reflect the changes made pursuant to paragraph (1).

''(f) CONSUMER PRICE INDEX DEFINED.—In this section, the term 'Consumer Price Index' means the Consumer Price Index for All Urban Consumers published by the Department of Labor. Each annual update of tables to reflect changes in the Consumer Price Index shall be corrected for misestimation of actual changes in such Index in previous years.

''(g) EMPLOYMENT EXPENSE ALLOWANCE.—For award year 2022–2023 and each succeeding award year, the Secretary shall publish in the Federal Register a revised table of employment expense allowances for the purpose of sections 475(c)(4), 476(b)(3), and 477(b)(4). Such revised table shall be developed by increasing the dollar amount specified in sections 475(c)(4), 476(b)(3), and 477(b)(4) to reflect the inflationary adjustment that is used for the income protection allowances in subsection (b).''.

(h) APPLICANTS EXEMPT FROM ASSET REPORTING.—Section 479 of the Higher Education Act of 1965 (20 U.S.C. 1087ss) is amended to read as follows:

''SEC. 479. APPLICANTS EXEMPT FROM ASSET REPORTING.

''(a) IN GENERAL.—Notwithstanding any other provision of law, this section shall be effective for each individual seeking to apply for Federal financial aid under this title, as part of the simplified application for Federal student financial aid under section 483.

''(b) APPLICANTS EXEMPT FROM ASSET REPORTING.—

''(1) IN GENERAL.—Except as provided in paragraph (3), in carrying out section 483, the Secretary shall not use asset information from an eligible applicant or, as applicable, the parent or spouse of an eligible applicant.

''(2) ELIGIBLE APPLICANTS.—In this subsection, the term 'eligible applicant' means an applicant who meets at least one of the following criteria:

''(A) Is an applicant who qualifies for an automatic zero student aid index or automatic negative student aid index under subsection (b), (c), or (d) of section 473.

''(B) Is an applicant who is a dependent student and the student's parents have a total adjusted gross income (excluding any income of the dependent student) that is less than $75,000 and do not file a Schedule A, B, D, E, F, or H (or equivalent successor schedules), with the Federal income tax return for the second preceding tax year, and—

''(i) do not file a Schedule C (or the equivalent successor schedule) with the Federal income tax return for the second preceding tax year; or

''(ii) file a Schedule C (or the equivalent successor schedule) with net business income of not more than a $10,000 loss or gain with the Federal income tax return for the second preceding tax year.

''(C) Is an applicant who is an independent student and the student (and including the student's spouse, if any) has a total adjusted gross income that is less than $75,000 and does not file a Schedule A, B, C, D, E, F, or H (or equivalent successor schedules), with the Federal income tax return for the second preceding tax year, and—

''(i) does not file a Schedule C (or the equivalent successor schedule) with the Federal income tax return for the second preceding tax year; or

''(ii) files a Schedule C (or the equivalent successor schedule) with net business income of not more than a $10,000 loss or gain with the Federal income tax return for the second preceding tax year.

''(3) SPECIAL RULE.—An eligible applicant shall not be exempt from asset reporting under this section if the applicant is a dependent student and the students' parents do not—

''(A) reside in the United States or a United States territory; or

''(B) file taxes in the United States or a United States territory, except if such nonfiling is due to not being required to file a Federal tax return for the applicable tax year due to a low income.

''(4) DEFINITIONS.—In this section:

''(A) SCHEDULE A.—The term Schedule A means a form or information by a taxpayer to report itemized deductions.

''(B) SCHEDULE B.—The term Schedule B means a form or information filed by a taxpayer to report interest and ordinary dividend income.

''(C) SCHEDULE C.—The term Schedule C means a form or information filed by a taxpayer to report income or loss from a business operated or a profession practiced as a sole proprietor.

''(D) SCHEDULE D .—The term Schedule D means a form or information filed by a taxpayer to report sales, exchanges or some involuntary conversions of capital assets, certain capital gain distributions, and nonbusiness bad debts.

''(E) SCHEDULE E .—The term Schedule E means a form or information filed by a taxpayer to report income from rental properties, royalties, partnerships, S corporations, estates, trusts, and residual interests in real estate mortgage investment conduits.

''(F) SCHEDULE F.—The term Schedule F means a form or information filed by a taxpayer to report farm income and expenses.

''(G) SCHEDULE H.—The term Schedule H means a form or information filed by a taxpayer to report household employment taxes.''.

(i) DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.—Section 479A of the Higher Education Act of 1965 (20 U.S.C. 1087tt) is amended to read as follows:

''SEC. 479A. DISCRETION OF STUDENT FINANCIAL AID ADMINISTRATORS.

''(a) IN GENERAL.—

''(1) AUTHORITY OF FINANCIAL AID ADMINISTRATORS.—A financial aid administrator shall have the authority to, on the basis of adequate documentation, make adjustments to any or all of the following on a case-by-case basis—

''(A) for an individual eligible applicant with special circumstances under subsection (b) to—

''(i) the cost of attendance;

''(ii) the values of the data used to calculate the student aid index; or

''(iii) the values of the data used to calculate the Federal Pell Grant award; or

''(B) for an individual eligible applicant with unusual circumstances, as defined in section 480(d)(9), under subsection (c) to the dependency status.

''(2) LIMITATIONS ON AUTHORITY.—

''(A) USE OF AUTHORITY.—No institution of higher education or financial aid administrator shall maintain a policy of denying all requests for adjustments under this section.

''(B) NO ADDITIONAL FEE.—No student or parent shall be charged a fee for a documented interview of the student by the financial aid administrator or for the review of a student or parent's request for adjustments under this section including the review of any supplementary information or documentation of a student or parent's special circumstances or a student's unusual circumstances.

''(C) RULE OF CONSTRUCTION.—The authority to make adjustments under paragraph (1)(A) shall not be construed to permit financial aid administrators to deviate from the cost of attendance, the values of data used to calculate the student aid index or the values of data used to calculate the Federal Pell Grant award (or both) for awarding aid under this title in the absence of special circumstances.

''(3) ADEQUATE DOCUMENTATION.—Adequate documentation for adjustments under this section shall substantiate the special circumstances or unusual circumstances of individual students, and may include, to the extent relevant and appropriate—

''(A) a documented interview between the student and the financial aid administrator;

''(B) for the purposes of determining that a student qualifies for an adjustment under paragraph (1)(B)—

''(i) submission of a court order or official Federal or State documentation that the parents or legal guardians are incarcerated in any Federal or State penal institution;

''(ii) a documented phone call or a written statement, which confirms the specific unusual circumstances with—

''(I) a child welfare agency authorized by a State or county;

''(II) a Tribal welfare authority;

''(III) an independent living case worker; or

''(IV) a public or private agency, facility, or program servicing the victims of abuse, neglect, assault, or violence;

''(iii) a documented phone call or a written statement from an attorney, a guardian ad litem, or a court-appointed special advocate, which confirms the specific unusual circumstances and documents the person's relationship to the student;

''(iv) a documented phone call or written statement from a representative under chapter 1 or 2 of subpart 2 of part A, which confirms the specific unusual circumstances and

documents the person's relationship to the student; or

''(v) documents, such as utility bills or health insurance documentation, that demonstrate a separation from parents or legal guardians; and

''(vi) in the absence of documentation described in this subparagraph, other documentation the financial aid administrator determines is adequate to confirm the unusual circumstances, as defined in section 480(d)(9); and

''(C) supplementary information, as necessary, about the financial status or personal circumstances of eligible applicants as it relates to the special circumstances or unusual circumstances based on which the applicant is requesting an adjustment.

''(4) SPECIAL RULE.—In making adjustments under paragraph (1), a financial aid administrator may offer a dependent student financial assistance under a Federal Direct Unsubsidized Stafford Loan without requiring the parents of such student to provide their parent information on the Free Application for Federal Student Aid if the student does not qualify for, or does not choose to uses, the unusual circumstance option specified in accordance with section 480(d)(9), and the financial aid administrator determines that the parents of such student ended financial support of such student and refuse to file such form.

''(5) PUBLIC DISCLOSURE.—Each institution of higher education shall make publicly available information that students applying for aid under this title have the opportunity to pursue adjustments under this section.

''(b) ADJUSTMENTS FOR STUDENTS WITH SPECIAL CIRCUMSTANCES.—

''(1) SPECIAL CIRCUMSTANCES FOR ADJUSTMENTS RELATED TO PELL GRANTS.—Special circumstances for adjustments to calculate a Federal Pell Grant award—

''(A) shall be conditions that differentiate an individual student from a group of students rather than conditions that exist across a group of students; and

''(B) may include—

''(i) recent unemployment of a family member or an independent student;

''(ii) a student or family member who is a dislocated worker (as defined in section 3 of the Workforce Innovation and Opportunity Act);

''(iii) a change in housing status that results in an individual being a homeless child or youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act);

''(iv) an unusual amount of claimed losses against income on the Federal tax return that substantially lower adjusted gross income, such as business, investment, or real estate losses;

''(v) receipt of substantial foreign income of permanent residents or United States citizens exempt from federal taxation, or the foreign income for which a permanent resident or citizen received a foreign tax credit; or

''(vi) other changes or adjustments in the income, assets, or size of a family, or a student's dependency status.

''(2) SPECIAL CIRCUMSTANCES FOR ADJUSTMENTS RELATED TO COST OF ATTENDANCE AND STUDENT AID INDEX.—Special circumstances for adjustments to the cost of attendance or the values of the data used to calculate the student aid index—

''(A) shall be conditions that differentiate an individual student from a group of students rather than conditions that exist across a group of students; and

''(B) may include—

''(i) tuition expenses at an elementary school or secondary school;

''(ii) medical, dental, or nursing home expenses not covered by insurance;

''(iii) unusually high child care or dependent care costs not covered by the dependent care cost allowance calculated in accordance with section 472;

''(iv) recent unemployment of a family member or an independent student;

''(v) a student or family member who is a dislocated worker (as defined in section 3 of the Workforce Innovation and Opportunity Act);

''(vi) the number of family members enrolled in a degree, certificate, or other program leading to a recognized educational credential at an institution with a program participation agreement under section 487;

''(vii) a change in housing status that results in an individual being a homeless child or youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act);

''(viii) in the case of a dependent student, a recent condition of severe disability of the student, the dependent student's parent or guardian, or an independent student's dependent or spouse;

''(ix) unusual amount of claimed losses against income on the Federal tax return that substantially lower adjusted gross income, such as business, investment, or real estate losses;

''(x) receipt of substantial foreign income of permanent residents or United States citizens exempt from Federal taxation, or the foreign income for which a permanent resident or citizen receives a foreign tax credit; or

''(C) other changes or adjustments in the income, assets, or size of a family, or a student's dependency status.

''(3) SPECIAL RULE.—The Secretary shall not consider conditions that are widespread to a group of students due to a major disaster or an emergency declared by the President under section 401 or 501, respectively, of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5170 and 5191) as special circumstances for adjustment for purposes of paragraphs (1)(A) and (2)(A) for a time period determined by such Secretary.

''(c) UNUSUAL CIRCUMSTANCES ADJUSTMENTS.—

''(1) IN GENERAL.—Unusual circumstances for adjustments to the dependency status of an individual eligible applicant shall be—

''(A) conditions that differentiate an individual student from a group of students; and

''(B) based on unusual circumstances, as defined by section 480(d)(9).

''(2) PROVISIONAL INDEPENDENT STUDENTS.—

''(A) REQUIREMENTS FOR THE SECRETARY.—The Secretary shall—

''(i) enable each student who, based on an unusual circumstance specified in section 480(d)(9), may qualify for an adjustment under subsection (a)(1)(B) that will result in a determination of independence under this section and section 479D to complete the Free Application for Federal Student Aid as an independent student for the purpose of a provisional determination of the student's Federal financial aid award, but subject to the authority under subsection (a)(3), for the purpose of the final determination of the award;

''(ii) upon completion of the Free Application for Federal Student Aid provide an estimate of the student's Federal Pell Grant award, and other information as specified in section 483(a)(3)(A), based on the assumption that the student is determined to be an independent student; and

''(iii) specify, on the Free Application for Federal Student Aid, the consequences under section 490(a) of knowingly and willfully completing the Free Application for Federal Student Aid as an independent student under clause (i) without meeting the unusual circumstances to qualify for such a determination.

''(B) REQUIREMENTS FOR FINANCIAL AID ADMINISTRATORS.—With respect to a student accepted for admission who completes the Free Application for Federal Student Aid as an independent student under subparagraph (A), a financial aid administrator shall—

''(i) notify the student of the institutional process, requirements, and timeline for an adjustment under this section and section 480(d)(9) that will result in a review of the student's request for an adjustment and a determination of the student's dependency status under such sections within a reasonable time after the student completes the Free Application for Federal Student Aid;

''(ii) provide the student a final determination of the student's dependency status and Federal financial aid award as soon as practicable after all requested documentation is provided;

''(iii) retain all documents related to the adjustment under this section and section 480(d)(9), including documented interviews, for at least the duration of the student's enrollment, and shall abide by all other record keeping requirements of this Act; and

''(iv) presume that any student who has obtained an adjustment under this section and section 480(d)(9) and a final determination of independence for a preceding award year at an institution to be independent for a subsequent award year at the same institution unless—

''(I) the student informs the institution that circumstances have changed; or

''(II) the institution has specific conflicting information about the student's independence.

''(d) ADJUSTMENTS TO ASSETS OR INCOME TAKEN INTO ACCOUNT.—A financial aid administrator shall be considered to be making a necessary adjustment in accordance with this section if—

''(1) the administrator makes adjustments excluding from family income or assets any proceeds or losses from a sale of farm or business assets of a family if such sale results from a voluntary or involuntary foreclosure, forfeiture, or bankruptcy or a voluntary or involuntary liquidation; or

''(2) the administrator makes adjustments for a student with a disability so as to take into consideration the additional costs such student incurs as a result of such student's disability.

''(e) REFUSAL OR ADJUSTMENT OF LOAN CERTIFICATIONS.—On a case-by-case basis, an eligible institution may refuse to use the authority provided under this section, certify a statement that permits a student to receive a loan under part D, certify a loan amount, or make a loan that is less than the student's determination of need (as determined under this part), if the reason for the action is documented and provided in written form to the student. No eligible institution shall discriminate against any borrower or applicant in obtaining a loan on the basis of race, national origin, religion, sex, marital status, age, or disability status.''.

(j) DISREGARD OF STUDENT AID IN OTHER PROGRAMS.—Section 479B of the Higher Education Act of 1965 (20 U.S.C. 1087uu) is amended to read as follows:

''SEC. 479B. DISREGARD OF STUDENT AID IN OTHER PROGRAMS.

''Notwithstanding any other provision of law, student financial assistance received under this title, Bureau of Indian Affairs student assistance programs, and employment and training programs under section 134 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174 et. seq.) shall not be taken into account in determining the need or eligibility of any person for benefits or assistance, or the amount of such benefits or assistance, under any Federal, State, or local

program financed in whole or in part with Federal funds.''.

(k) NATIVE AMERICAN STUDENTS.—Section 479C of the Higher Education Act of 1965 (20 U.S.C. 1087uu–1) is amended to read as follows:

''SEC. 479C. NATIVE AMERICAN STUDENTS.

''In determining the student aid index for Native American students, computations performed pursuant to this part shall exclude—

''(1) any income and assets of $2,000 or less per individual payment received by the student (and spouse) and student's parents under Public Law 98–64 (25 U.S.C. 117a et seq.; 97 Stat. 365) (commonly known as the 'Per Capita Act') or the Indian Tribal Judgment Funds Use or Distribution Act (25 U.S.C. 1401 et seq.); and

''(2) any income received by the student (and spouse) and student's parents under the Alaska Native Claims Settlement Act (43 U.S.C. 1601 et seq.) or the Maine Indian Claims Settlement Act of 1980 (25 U.S.C. 1721 et seq.).''.

(l) DEFINITIONS.—The Higher Education Act of 1965 (20 U.S.C. 1001 et seq.) is amended—

(1) by inserting after section 479C the following:

''SEC. 479D. SPECIAL RULES FOR INDEPENDENT STUDENTS.

''(a) DETERMINATION PROCESS FOR UNACCOMPANIED YOUTH.—In making a determination of independence under section 480(d)(8), a financial aid administrator shall—

''(1) consider documentation of the student's circumstance provided by an individual described by this subparagraph to be acceptable in the absence of documented conflicting information, such individuals include—

''(A) a local education agency homeless liaison, designated pursuant to section 722(g)(1)(J)(ii) of the McKinney-Vento Homeless Assistance Act or a designee of the liaison;

''(B) the director or a recognized emergency shelter, transitional living, street outreach program, or other program serving individuals who are homeless or a designee of the director;

''(C) the director of a Federal TRIO program or a Gaining Early Awareness and Readiness for Undergraduate program under chapter 1 or 2 of subpart 2 of part A or a designee of the director; or

''(D) by a financial aid administrator at another institution who documented the student's circumstance in a prior award year;

''(2) if a student is unable to provide documentation from any individual under paragraph (1), make a case-by-case determination, which shall be—

''(A) based on a written statement from or a documented interview with the student which confirms that the student is homeless (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act), or unaccompanied, at risk of homelessness, and self-supporting; and

''(B) made independent from the reasons that the student is homeless (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act), or unaccompanied, at risk of homelessness, and self-supporting; and

''(3) consider a determination made under this paragraph as distinct from a determination of independence under section 480(d)(9).

''(b) DOCUMENTATION PROCESS FOR FOSTER CARE YOUTH.—If an institution requires that a student provide documentation that they were in foster care when the student was age 13 or older, a financial aid administrator shall consider any of the following as adequate documentation, in the absence of documented conflicting information:

''(1) Submission of a court order or official State documentation that the student received Federal or State support in foster care.

''(2) A documented phone call, written statement, or verifiable electronic data match, which confirms the student was in foster care at an applicable age, from—

''(A) a State or tribal agency administering a program under part B or E of title IV of the Social Security Act (42 U.S.C. 621 et seq. and 670 et seq.);

''(B) a State Medicaid agency; or

''(C) a public or private foster care placing agency or foster care facility or placement.

''(3) A documented phone call or a written statement from an attorney, a guardian ad litem, or a Court Appointed Special Advocate that confirms that the student was in foster care at an applicable age, and documents the person's relationship to the student.

''(4) Verification of the student's eligibility for an education and training voucher under the John H. Chafee Foster Care Program under section 477 of the Social Security Act (42 U.S.C. 677).

''(c) TIMING.—A determination of independence under paragraphs (2), (8) or (9) of section 480(d) for a student—

''(1) shall be made as quickly as practicable;

''(2) may be made as early as the year before the award year for which the student initially submits an application; and

''(3) shall be made not later than during the award year for which the student initially submits an application.

''(d) USE OF EARLIER DETERMINATIONS.—

''(1) EARLIER DETERMINATION BY THE INSTITUTION.—Any student who is determined to be independent under paragraph (2), (8) or (9) of section 480(d) for a preceding award year at an institution shall be presumed to be independent for each subsequent award year at the same institution unless—

''(A) the student informs the institution that circumstances have changed; or

''(B) the institution has specific conflicting information about the student's independence, and has informed the student of this information.

''(2) EARLIER DETERMINATION BY ANOTHER INSTITUTION.—

''(A) SIMPLIFYING THE DEPENDENCY OVERRIDE PROCESS.—A financial aid administrator may make a determination of independence under section 480(d)(9), based upon a documented determination of independence that was previously made by another financial aid administrator under such paragraph in the same award year.

''(e) RETENTION OF DOCUMENTS.—A financial aid administrator shall retain all documents related to the determination of independence under paragraphs (2) or (8) of section 480(d), including documented interviews.''; and

(2) by striking section 480 and inserting the following:

''SEC. 480. DEFINITIONS.

''In this part:

''(a) TOTAL INCOME.—The term 'total income' means the amount equal to adjusted gross income for the second preceding tax year plus untaxed income and benefits for the second preceding tax year minus excludable income for the second preceding tax year. The factors used to determine total income shall be derived from the Federal income tax return, if available, except for the applicant's ability to indicate a qualified rollover in the second preceding tax year as outlined in section 483.

''(b) UNTAXED INCOME AND BENEFITS.—The term 'untaxed income and benefits' means—

''(1) deductions and payments to self-employed SEP, SIMPLE, Keogh, and other qualified individual retirement accounts excluded from income for Federal tax purposes, except such term shall not include payments made to tax-deferred pension and retirement plans, paid directly or withheld from earnings, that are not delineated on the Federal tax return;

''(2) tax-exempt interest income;

''(3) untaxed portion of individual retirement account distributions; and

''(4) untaxed portion of pensions.

''(c) VETERAN.—The term 'veteran' has the meaning given the term in section 101(2) of title 38, United States Code.

''(d) INDEPENDENT STUDENTS AND DETERMINATIONS.— The term 'independent', when used with respect to a student, means any individual who—

''(1) is 24 years of age or older by December 31 of the award year;

''(2) is, or was at any time when the individual was 13 years of age or older;

''(A) an orphan;

''(B) ward of the court;

''(C) in foster care;

''(3) is, or was immediately prior to attaining the age of majority, an emancipated minor or in legal guardianship as determined by a court of competent jurisdiction in the individual's State of legal residence;

''(4) is a veteran of the Armed Forces of the United States (as defined in subsection (c)) or is currently serving on active duty in the Armed Forces for other than training purposes;

''(5) is a graduate or professional student;

''(6) is married and not separated;

''(7) has legal dependents other than a spouse;

''(8) an unaccompanied youth 23 years of age or younger who is homeless (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act), or unaccompanied, at risk of homelessness, and self-supporting, or—

''(9) is a student for whom a financial aid administrator makes a documented determination of independence by reason of other unusual circumstances as described under section 479A(c) in which the student is unable to contact a parent or where contact with parents poses a risk to such student, which includes circumstances of—

''(A) human trafficking, as described in the Trafficking Victims Protection Act of 2000 (22 U.S.C. 7101 et seq.);

''(B) legally granted refugee or asylum status;

''(C) parental abandonment or estrangement; or

''(D) parental incarceration.

''(e) EXCLUDABLE INCOME.—The term 'excludable income' means an amount equal to the education credits described in paragraphs (1) and (2) of section 25A(a) of the Internal Revenue Code of 1986.

''(f) ASSETS.—

''(1) IN GENERAL.—The term 'assets' means cash on hand, including the amount in checking and savings accounts, time deposits, money market funds, trusts, stocks, bonds, derivatives, other securities, mutual funds, tax shelters, qualified education benefits (except as provided in paragraph (3)), the annual amount of child support received and the net value of real estate, income producing property, and business and farm assets, determined in accordance with section 478(c).

''(2) EXCLUSIONS.—With respect to determinations of need under this title, the term 'assets' shall not include the net value of the family's principal place of residence.

''(3) QUALIFIED EDUCATION BENEFIT.—A qualified education benefit shall be considered an asset of—

''(A) the student if the student is an independent student; or

''(B) the parent if the student is a dependent student and the account is designated for the student, regardless of whether the owner of the account is the student or the parent.

''(g) NET ASSETS.—The term 'net assets' means the market value at the time of application of the assets (as defined in subsection (f)), minus the outstanding liabilities or indebtedness against the assets.

''(h) TREATMENT OF INCOME TAXES PAID TO OTHER JURISDICTIONS.—

''(1) The tax on income paid to the Governments of the Commonwealth of Puerto Rico, Guam, American Samoa, the Virgin Islands, or the Commonwealth of the Northern Mariana Islands, the Republic of the Marshall Islands, the Federated States of Micronesia, or Palau under the laws applicable to those jurisdictions, or the comparable tax paid to the central government of a foreign country, shall be treated as Federal income taxes.

''(2) References in this part to the Internal Revenue Code of 1986, Federal income tax forms, and the Internal Revenue Service shall, for purposes of the tax described in paragraph (1), be treated as references to the corresponding laws, tax forms, and tax collection agencies of those jurisdictions, respectively, subject to such adjustments as the Secretary may provide by regulation.

''(i) OTHER FINANCIAL ASSISTANCE.—

''(1) For purposes of determining a student's eligibility for funds under this title, other financial assistance not received under this title shall include all scholarships, grants, loans, or other assistance known to the institution at the time the determination of the student's need is made, including national service educational awards or post-service benefits under title I of the National and Community Service Act of 1990 (42 U.S.C. 12511 et seq.).

''(2) Notwithstanding paragraph (1), a tax credit taken under section 25A of the Internal Revenue Code of 1986, or a distribution that is not includable in gross income under section 529 of such Code, under another prepaid tuition plan offered by a State, or under a Coverdell education savings account under section 530 of such Code, shall not be treated as other financial assistance for purposes of section 471(a)(3).

''(3) Notwithstanding paragraph (1) and section 472, assistance not received under this title may be excluded from both other financial assistance and cost of attendance, if that assistance is provided by a State and is designated by such State to offset a specific component of the cost of attendance. If that assistance is excluded from either other financial assistance or cost of attendance, it shall be excluded from both.

''(4) Notwithstanding paragraph (1), payments made and services provided under part E of title IV of the Social Security Act to or on behalf of any child or youth over whom the State agency has responsibility for placement, care, or supervision, including the value of vouchers for education and training and amounts expended for room and board for youth who are not in foster care but are receiving services under section 477 of such Act, shall not be treated as other financial assistance for purposes of section 471(a)(3).

''(5) Notwithstanding paragraph (1), emergency financial assistance in an amount less than $1,500 provided to the student for unexpected expenses that are a component of the student's cost of attendance, and not otherwise considered when the determination of the student's need is made, shall not be treated as other financial assistance for purposes of section 471(a)(3).

''(j) DEPENDENTS.—

''(1) Except as otherwise provided, the term 'dependent of the parent' means the student who is deemed to be a dependent students when applying for aid under this title, and any other person who lives with and receives more than one-half of their support from the parent (or parents) and will continue to receive more than half of their support from the parent (or parents) during the award year.

''(2) Except as otherwise provided, the term 'dependent of the student' means the student's dependent children and other persons (except the student's spouse) who live with and receive more than one-half of their support from the student and will continue to receive more than half of their support from the student during the award year.

''(k) FAMILY SIZE.—

''(1) DEPENDENT STUDENT.—Except as provided in paragraph (3), in determining family size in the case of a dependent student—

''(A) if the parents are not divorced or separated, family members include the student's parents, and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of the student's parents for the taxable year used in determining the amount of need of the student for financial assistance under this title;

''(B) if the parents are divorced or separated, family members include the parent whose income is included in computing available income and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of that parent for the taxable year used in determining the amount of need of the student for financial assistance under this title;

''(C) if the parents are divorced and the parents whose income is so included is remarried, or if the parent was a widow or widower who has remarried, family members also include, in addition to those individuals referred to in paragraph (B), and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of the new spouse for the taxable year used in determining the amount of need of the student for financial assistance under this title, if that spouse's income is included in determining the parent's adjusted available income; and

''(D) if the student is not considered as a dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of any parent, the parents' family size shall include the student and the family members applicable to the parents' situation under subparagraph (A), (B), or (C).

''(2) INDEPENDENT STUDENT.—Except as provided in paragraph (3), in determining family size in the case of an independent student—

''(A) family members include the student, the student's spouse, and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of that student for the taxable year used in determining the amount of need of the student for financial assistance under this title; and

''(B) if the student is divorced or separated, family members do not include the spouse (or ex-spouse), but do include the student and any dependent (within the meaning of section 152 of the Internal Revenue Code of 1986 or an eligible individual for purposes of the credit under section 32 of the Internal Revenue Code of 1986) of that student for the taxable year used in determining the amount of need of the student for financial assistance under this title.

''(3) PROCEDURES AND MODIFICATION.—The Secretary shall provide procedures for determining family size in cases in which information for the taxable year used in determining the amount of need of the student for financial assistance under this title has changed or does not accurately reflect the applicant's current household size.

''(l) BUSINESS ASSETS.—The term 'business assets' means property that is used in the operation of a trade or business, including real estate, inventories, buildings, machinery, and other equipment, patents, franchise rights, and copyrights.''.

(m) FAFSA.—Section 483 of the Higher Education Act of 1965 (20 U.S.C. 1090) is amended to read as follows:

''SEC. 483. FREE APPLICATION FOR FEDERAL STUDENT AID.

''(a) SIMPLIFIED APPLICATION FOR FEDERAL STUDENT FINANCIAL AID.—

''(1) IN GENERAL.—Each individual seeking to apply for Federal financial aid under this title for any award year shall file a free application with the Secretary, known as the 'Free Application for Federal Student Aid', to determine eligibility for such aid, as described in paragraph (2), and in accordance with section 479.

''(2) FREE APPLICATION.—

''(A) IN GENERAL.—The Secretary shall make available, for the purposes of paragraph (1), a free application to determine the eligibility of a student for Federal financial aid under this title.

''(B) INFORMATION REQUIRED BY THE APPLICANT.—

''(i) IN GENERAL.—The applicant, and, if necessary, the parents or spouse of the applicant, shall provide the Secretary with the applicable information described in clause (ii) in order to be eligible for Federal financial aid under this title.

''(ii) INFORMATION TO BE PROVIDED.—The information described in this clause is the following:

''(I) Name.

''(II) Contact information, including address, phone number, email address, or other electronic address.

''(III) Social security number.

''(IV) Date of birth.

''(V) Marital status.

''(VI) Citizenship status, including alien registration number, if applicable.

''(VII) Sex.

''(VIII) State of legal residence and date of residency.

''(IX) The following information on secondary school completion—

''(aa) Name and location of the high school from which the applicant received, or will receive prior to the period of enrollment for which aid is sought, a regular high school diploma;

''(bb) name and location of the entity from which the applicant received, or will receive prior to the period of enrollment for which aid is sought, a recognized equivalent of a regular high school diploma; or

''(cc) if the applicant completed or will complete prior to the period of enrollment for which aid is sought, a secondary school education in a home school setting that is treated as a home school or private school under State law.

''(X) Name of each institution where the applicant intends to apply for enrollment or continue enrollment.

''(XI) Year in school for period of enrollment for which aid is sought, including whether applicant will have finished first bachelor's degree prior to the period of enrollment for which aid is sought.

''(XII) Whether one or both of the applicant's parents attended college.

''(XIII) Any required asset information, unless exempt under section 479, in which the applicant shall indicate—

''(aa) the annual amount of child support received, if applicable; and

''(bb) all required asset information not described in item (aa).

''(XIV) The number of members of the applicant's family who will also be enrolled in an eligible institution of higher education on at least a half-time basis during the same enrollment period as the applicant.

''(XV) If the applicant meets any of the following designations:

''(aa) Homeless, at risk of being homeless, or an unaccompanied youth.

''(bb) Emancipated minor.

''(cc) In legal guardianship.

''(dd) Dependent ward of the court at any time since the applicant turned 13.

''(ee) In foster care at any time since the applicant turned 13.

''(ff) If both parents have died since the applicant turned 13.

''(gg) Is a veteran of the Armed Forces of the United States or is serving (on the date of the application) on active duty in the Armed Forces for other than training purposes.

''(hh) Has a dependent child or relative and is under the age of 24.

''(ii) Does not have access to parental income due to an unusual circumstance in accordance with section 480(d)(9).

''(XVI) If the applicant receives or has received any of the following means-tested Federal benefits within the last two years:

''(aa) The supplemental security income program under title XVI of the Social Security Act (42 U.S.C. 1381 et seq.).

''(bb) The supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

''(cc) The free and reduced price school lunch program established under the Richard B. Russell National School Lunch Act (42 U.S.C. 1751 et seq.).

''(dd) The program of block grants for States for temporary assistance for needy families established under part A of title IV of the Social Security Act (42 U.S.C. 601 et seq.).

''(ee) The special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786).

''(ff) The Medicaid program under title XIX of the Social Security Act (42 U.S.C. 1396 et seq.).

''(gg) Federal housing assistance programs, including tenant-based assistance under section 8(o) of the United States Housing Act of 1937 (42 U.S.C. 1437f(o)), and public housing, as defined in section 3(b)(1) of such Act (42 U.S.C. 1437a(b)(1)).

''(hh) Any other means-tested program determined by the Secretary to be appropriate.

''(XVII) If the applicant, or, if necessary, the parents or spouse of the applicant, reported receiving tax exempt payments from an individual retirement plan (as defined in section 7701 of the Internal Revenue Code of 1986) distribution or from pensions or annuities on a Federal tax return, information as to how much of the individual retirement plan distribution or pension or annuity disbursement was a qualified rollover.

''(iii) PROHIBITION AGAINST REQUESTING INFORMATION MORE THAN ONCE.—Any information requested during the process of creating an account for completing the free application under this subsection, shall not be required a second time for the same award year, or in a duplicative manner, when completing such free application except in the case of an unusual situation.

''(iv) CHANGE IN FAMILY SIZE.—The Secretary shall provide a process by which an applicant shall confirm the accuracy of family size or update the family size with respect to such applicant for purposes of determining the need of such applicant for financial assistance under this title based on a change in family size from the tax year data used for such determination.

''(v) SINGLE QUESTION FOR HOMELESS STATUS.—The Secretary shall ensure that—

''(I) on the form developed under this section for which the information is applicable, there is a single, easily understood screening question to identify an applicant who is an unaccompanied homeless child or youth (as such term is defined in section 725 of the McKinney-Vento Homeless Assistance Act) or an unaccompanied youth who is self-supporting and at risk of homelessness; and

''(II) such question is distinct from those relating to an individual who does not have access to parental income due to an unusual circumstance.

''(vi) ADJUSTMENTS.—The Secretary shall disclose on the FAFSA that the student may, on a case-by-case basis, qualify for an adjustment under section 479A to the cost of attendance or the values of the data items required to calculate the student aid index for the student or parent.

''(C) NOTIFICATION OF REQUEST FOR TAX RETURN INFORMATION.—The Secretary shall advise students and borrowers who submit an application for Federal student financial aid under this title (as well as parents and spouses who sign such an application or request or a Master Promissory Note on behalf of those students and borrowers) of the authority of the Secretary to request that the Internal Revenue Service disclose their tax return information as described in section 494.

''(D) AUTHORIZATIONS AVAILABLE TO THE APPLICANT.—

''(i) AUTHORIZATION TO RELEASE AND TRANSMIT TO INSTITUTION.—An applicant and, if necessary, the parents or spouse of the applicant shall provide the Secretary with authorization to release and transmit to an institution, as specified by the applicant, in order for the applicant's eligibility for Federal financial aid programs to be determined, the following:

''(I) Information described under section 6103(l)(13) of the Internal Revenue Code of 1986.

''(II) All information provided by the applicant on the application described by this subsection to determine the applicant's eligibility for Federal financial aid under this title and for the application, award, and administration of such Federal financial aid.

''(ii) AUTHORIZATION TO RELEASE AND TRANSMIT TO STATE AND INSTITUTION.—

''(I) IN GENERAL.—An applicant and, if necessary, the parents or spouse of the applicant may provide the Secretary with authorization to release and transmit to the State of residence of the applicant and to any institution specified by the applicant, in order for the applicant's eligibility for State student financial aid programs or institution-based student financial aid programs to be determined, the following:

''(aa) Information described under section 6103(l)(13) of the Internal Revenue Code of 1986.

''(bb) All information provided by the applicant on the application described by this subsection for the application, award, and administration of financial aid by a State or an institution of higher education.

''(II) SPECIAL RULE.—An institution to which an applicant selects to release and transmit information under subclause (I) shall not be disclosed to any other institution.

''(iii) AUTHORIZATION TO RELEASE AND TRANSMIT TO BENEFITS PROGRAMS.—An applicant and, if necessary, the parents or spouse of the applicant may provide the Secretary with authorization to release and transmit to means-tested Federal benefit programs, as defined in section 473(e), the following:

''(I) Information described under section 6103(l)(13) of the Internal Revenue Code of 1986.

''(II) All information provided by the applicant on the application described by this subsection to determine the applicant's eligibility for the application, award, and administration of such means-tested Federal benefits programs.

''(E) ACTION BY THE SECRETARY.—Upon receiving—

''(i) an application under this section, the Secretary shall, as soon as practicable, perform the necessary functions with the Commissioner of Internal Revenue to calculate the applicant's student aid index and scheduled award for a Federal Pell Grant, if applicable, assuming full-time enrollment for an academic year, and note to the applicant the assumptions relationship to the scheduled award; and

''(ii) an authorization under subparagraph (D), the Secretary shall, as soon as practicable, release and transmit the information described under such subparagraph to the State of residence of the applicant or an institution, as specified by the applicant, in order for the applicant's eligibility for Federal, State, or institutional student financial aid programs to be estimated or determined.

''(3) INFORMATION TO BE SUPPLIED BY THE SECRETARY OF EDUCATION.—

''(A) IN GENERAL.—Upon receiving and timely processing a free application that contains the information described in paragraph (2), the Secretary shall provide to the applicant (and the parents of a dependent student applicant, or spouse of the independent student applicant, if applicable) the following information based on full-time attendance for an academic year:

''(i) The estimated dollar amount of a Federal Pell Grant scheduled award for which the applicant is eligible for such award year.

''(ii) Information on other types of Federal financial aid for which the applicant may be eligible (including situations in which the applicant could qualify for 150 percent of a schedule Federal Pell Grant award and loans made under this title) and how the applicant can find additional information regarding such aid.

''(iii) Information regarding each institution selected by the applicant in accordance with paragraph (2)(B)(ii)(X), including the following:

''(I) The following information, as collected through the Integrated Postsecondary Education Data System or a successor Federal data system as designated by the Secretary:

''(aa) Net price by income quintile.

''(bb) Median debt of students upon completion.

''(cc) Graduation rate.

''(dd) Retention rate.

''(ee) Transfer rate, if available.

''(II) Institutional default rate, as calculated under section 435.

''(iv) If the student is eligible for a student aid index of less than or equal to zero under section 473 but has not indicated that they receive Federal means-tested benefits, a notification of the Federal means-tested benefits for which they may be eligible.

''(v) Information on education tax credits described in paragraphs (1) and (2) of section 25A(a) of the Internal Revenue Code of 1986.

''(vi) If the individual identified as a veteran, or as serving (on the date of the application) on active duty in the Armed Forces

for other than training purposes, information on benefits administered by the Department of Veteran Affairs or Department of Defense, respectively.

''(vii) If applicable, the applicant's current outstanding balance of loans under this title.

''(B) INFORMATION PROVIDED TO THE STATE.—

''(i) IN GENERAL.—The Secretary shall provide, with authorization from the applicant in accordance with paragraph (2)(D)(ii), to a State agency administering State-based financial aid and serving the applicant's State of residence, the information described under section 6103(l)(13) of the Internal Revenue Code of 1986 and information described in paragraph (2)(B) for the application, award, and administration of grants and other aid provided directly from the State to be determined by such State. Such information shall include the list of institutions provided by the applicant on the application.

''(ii) USE OF INFORMATION.—A State agency administering State-based financial aid—

''(I) shall use the information provided under clause (i) solely for the application, award, and administration of State-based financial aid for which the applicant is eligible and for State agency research that does not release any individually identifiable information on any applicant to promote college attendance, persistence, and completion;

''(II) may use identifying information for student applicants to determine whether or not a graduating secondary student has filed the application in coordination with local educational agencies or secondary schools to encourage students to complete the application; and

''(III) shall not share application information with any other entity without the explicit written consent of the applicant, except as provided in subclause (II).

''(iii) LIMITATION ON CONSENT PROCESS.—A State may provide a consent process whereby an applicant may elect to share the information described in clause (i) through explicit written consent to Federal, State, or local government agencies or tribal organizations to assist such applicant in applying for and receiving Federal, State, or local government assistance, or tribal assistance for any component of the applicant's cost of attendance which may include financial assistance or non-monetary assistance.

''(iv) PROHIBITION.—Any entity that receives applicant information under clause (iii) shall not sell, share, or otherwise use applicant information other than for the purposes outlined in clause (iii).

''(C) INFORMATION PROVIDED TO THE INSTITUTION.—

''(i) IN GENERAL.—The Secretary shall provide, with authorization from the applicant in accordance with paragraph (2)(D)(ii), to each institution selected by the applicant on the application, the information described under section 6103(l)(13) of the Internal Revenue Code of 1986 and information described in paragraph (2)(B) for the application, award, and administration of grants and other aid provided directly from the institution to be determined by such institution and grants and other aid provided directly from the State or Federal Government.

''(ii) USE OF INFORMATION.—An institution—

''(I) shall use the information provided to it under clause (i) solely for the application, award, and administration of financial aid to the applicant, and for institutional research that does not release any individually identifiable information on any applicant, to promote college attendance, persistence and completion; and

''(II) shall not share such information with any other entity without the explicit written consent of the applicant.

''(iii) LIMITATION ON CONSENT PROCESS.—An institution may provide a consent process whereby an applicant can elect to share the information described in clause (i) with explicit written consent to a scholarship granting organization, including a tribal organization (defined in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304)), or to Federal, State, or local government agencies or tribal organizations to assist the applicant in applying for and receiving private assistance, or Federal, State, local government assistance, or tribal assistance for any component of the applicant's cost of attendance which may include financial assistance or non-monetary assistance.

''(iv) PROHIBITION.—Any entity that receives applicant information under clause (iii) shall not sell, share, or otherwise use applicant information other than for the purposes outlined in clause (iii).

''(4) DEVELOPMENT OF FORM AND INFORMATION EXCHANGE.—Prior to the design of the free application under this subsection, the Secretary shall, to the maximum extent practicable, on an annual basis—

''(A) consult with stakeholders to gather information about innovations and technology available to—

''(i) ensure an efficient and effective process;

''(ii) mitigate unintended consequences; and

''(iii) determine the best practices for outreach to students and families during the transition to the streamlined process for the determination of Federal financial aid and Federal Pell Grant eligibility while reducing the data burden on applicants and families; and

''(B) solicit public comments for the format of the free application that provides for adequate time to incorporate feedback prior to development of the application for the succeeding award year.

''(5) NO ADDITIONAL INFORMATION REQUESTS PERMITTED.—In carrying out this subsection, the Secretary may not require additional information to be submitted by an applicant (or the parents or spouse of an applicant) for Federal financial aid through other requirements or reporting, except as required under a process or procedure exercised in accordance with the authority under section 479A.

''(6) STATE-RUN PROGRAMS.—

''(A) IN GENERAL.—The Secretary shall conduct outreach to States in order to research the benefits to students of States relying solely on the financial data made available, upon authorization by the applicant, as a result of an application for aid under this subsection for determining the eligibility of the applicant for State provided financial aid.

''(B) SECRETARIAL REVIEW.—If a State determines that there is a need for additional data elements beyond those provided pursuant to this subsection for determining the eligibility of an applicant for State provided financial aid, the State shall forward a list of those additional data elements determined necessary, but not provided by virtue of the application under this subsection, to the Secretary. The Secretary shall make readily available to the public through the Department's websites and other means—

''(i) a list of States that do not require additional financial information separate from the Free Application for Federal Student Aid and do not require asset information from students who qualify for the exemption from asset reporting under section 479 for the purposes of awarding State scholarships and grant aid;

''(ii) a list of States that require asset information from students who qualify for the exemption from asset reporting under section 479 for the purposes of awarding State scholarships and grant aid;

''(iii) a list of States that have indicated that they require additional financial information separate from the Free Application for Federal Student Aid for purposes of awarding State scholarships and grant aid; and

''(iv) with the publication of the lists under this subparagraph, information about additional resources available to applicants, including links to such State websites.

''(7) INSTITUTION-RUN FINANCIAL AID.—

''(A) IN GENERAL.—The Secretary shall conduct outreach to institutions of higher education to describe the benefits to students of relying solely on the financial data made available, upon authorization for release by the applicant, as a result of an application for aid under this subsection for determining the eligibility of the applicant for institutional financial aid. The Secretary shall make readily available to the public through its websites and other means—

''(i) a list of institutions that do not require additional financial information separate from the Free Application for Federal Student Aid and do not require asset information from students who qualify for the exemption from asset reporting under section 479 for the purpose of awarding institution-run financial aid;

''(ii) a list of institutions that require asset information from students who qualify for the exemption from asset reporting under section 479 for the purpose of awarding institution-run financial aid;

''(iii) a list of institutions that require additional financial information separate from the Free Application for Federal Student Aid for the purpose of awarding institution-run financial aid; and

''(iv) with the publication of the list in clause (iii), information about additional resources available to applicants.

''(8) SECURITY OF DATA.—The Secretary shall, in consultation with the Secretary of the Treasury, take all steps necessary to—

''(A) safeguard the data required to be transmitted for the purpose of this section between Federal agencies and to States and institutions of higher education;

''(B) secure the transmittal of such data; and

''(C) provide guidance to States and institutions of higher education regarding their obligation to ensure the security of the data provided under this section.

''(9) REPORT TO CONGRESS.—

''(A) IN GENERAL.—Not later than one year after the date of enactment of the Student Loan Repayment and FAFSA Simplification Act, the Secretary shall report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives on the progress of the Secretary in carrying out this subsection, including planning and stakeholder consultation. Such report shall include—

''(i) benchmarks for implementation;

''(ii) entities and organization that the Secretary consulted;

''(iii) system requirements for such implementation and how they will be addressed;

''(iv) any areas of concern and potential problem issues uncovered that may hamper such implementation; and

''(v) solutions determined to address such issues.

''(B) QUARTERLY UPDATES.—The Secretary shall provide updates to the Committees described in subparagraph (A)—

''(i) as to the progress and planning described in subparagraph (A) prior to implementation of the Free Application for Federal Student Aid under this subsection not less often than quarterly; and

''(ii) at least 6 months and 1 year after implementation of the Free Application for Federal Student Aid.

''(b) ADJUSTMENTS AND IMPROVEMENTS.—

''(1) IN GENERAL.—The Secretary shall disclose in a consumer-tested format, upon completion of the Free Application for Federal Student Aid under this section, that the student may, on a case-by-case basis, qualify for an adjustment under section 479A to the cost of attendance or the values of the data items required to calculate the Federal Pell Grant or the need analysis for the student or parent. Such disclosure shall specify—

''(A) examples of the special circumstances under which a student or family member may qualify for such adjustment or determination of independence; and

''(B) additional information regarding the steps a student or family member may take in order to seek an adjustment under section 479A.

''(2) CONSUMER TESTING.—

''(A) IN GENERAL.—Not later than 9 months after the date of enactment of the Student Loan Repayment and FAFSA Simplification Act, the Secretary shall begin consumer testing the design of the Free Application for Federal Student Aid under this section with prospective first-generation college students, representatives of students (including low-income students, first generation college students, adult students, veterans, servicemembers, and prospective students), students' families (including low-income families, families with first generation college students, and families with prospective students), institutions of higher education, secondary school and postsecondary counselors, and nonprofit consumer groups.

''(B) UPDATES.—For award year 2021 and each fourth succeeding award year thereafter, the Secretary shall update the design of the Free Application for Federal Student Aid based on additional consumer testing with the populations described in subparagraph (A) in order to improve the usability and accessibility of the application.

''(3) ACCESSIBILITY OF THE FAFSA.—The Secretary shall—

''(A) in conjunction with the Director of the Census Bureau, shall determine the most common languages spoken at home in the United States

''(B) develop versions of the Free Application for Federal Student Aid form in each of the languages determined in subparagraph (A); and

''(C) ensure the Free Application for Federal Student Aid is compliant with the most recent Web Content Accessibility Guidelines, or successor guidelines.

''(4) REAPPLICATION IN A SUCCEEDING ACADEMIC YEAR.—In order to streamline applicant's experience applying for financial aid, the Secretary shall allow an applicant who electronically applies for financial assistance under this title for an academic year subsequent to an academic year for which such applicant applied for financial assistance under this title to automatically electronically import all of the applicant's (including parents, guardians, or spouses, as applicable) identifying, demographic, and school data from the previous application and to update such information to reflect any circumstances that have changed.

''(5) TECHNOLOGY ACCESSIBILITY.—The Secretary shall make the application under this section available through prevalent technology. Such technology shall, at a minimum, enable applicants to—

''(A) save data; and

''(B) submit the application under this title to the Secretary through such technology.

''(6) VERIFICATION BURDEN.—The Secretary shall—

''(A) to the maximum extent practicable, streamline and simplify the process of verification for applicants for Federal financial aid;

''(B) in establishing policies and procedures to verify applicants' eligibility for Federal financial aid, consider—

''(i) the burden placed on low-income applicants;

''(ii) the risk to low-income applicants of failing to enroll or complete from being selected for verification;

''(iii) the effectiveness of the policies and procedures in safeguarding against a net cost to taxpayers; and

''(iv) the reasons for the source of any improper payments; and

''(C) issue a report not less often than annually sharing the percentage of applicants subject to verification, whether the applicants ultimately received Federal financial aid disbursements, and whether the student aid index changed enough to affect the applicant's award of any Federal financial aid under this title.

''(7) STUDIES.—The Secretary shall periodically conduct studies on—

''(A) the effect of States requiring additional information specified in clauses (ii) and (iii) of paragraph (6)(B) on the determination of State financial aid awards and whether the additional information required is a barrier to college enrollment by examining—

''(i) how much financial aid awards would change if the additional information were not required;

''(ii) the number of students who started but did not finish the Free Application for Federal Student Aid, compared to the baseline year of 2021; and

''(iii) the number of students who—

''(I) started a Free Application for Federal Student Aid but did not receive financial assistance under this title for the applicable academic year; and

''(II) if available, did not enroll in an institution of higher education in the applicable academic year;

''(B) the most common barriers faced by applications in completing the Free Applications for Federal Student Aid; and

''(C) the most common reasons that students and families do not fill out the Free Applications for Federal Student Aid.

''(c) DATA AND INFORMATION.—

''(1) IN GENERAL.—The Secretary shall publish data in a publicly accessible manner—

''(A) annually on the total number of Free Applications for Federal Student Aid submitted by application cycle, disaggregated by demographic characteristics, type of institution or institutions of higher education to which the applicant applied, the applicant's State of legal residence, and high school and public school district;

''(B) quarterly on the total number of Free Applications for Federal Student Aid submitted by application cycle, disaggregated by type of institution or institutions of higher education to which the applicant applied, the applicant's State of legal residence, and high school and public school district;

''(C) weekly on the total number of Free Applications for Federal Student Aid submitted, disaggregated by high school and public school district; and

''(D) annually on the number of individuals who apply for Federal financial aid pursuant to this section who indicated they are a homeless child or youth (as defined in section 725 of the McKinney-Vento Homeless Assistance Act), an unaccompanied youth, or a foster care youth.

''(2) CONTENTS.—The data described in paragraph (1) with respect to homeless children and youth shall include, at a minimum, for each application cycle—

''(A) the total number of all applicants who were determined to be individuals described in section 480(d)(8); and

''(B) the number of applicants described in subparagraph (A), disaggregated—

''(i) by State; and

''(ii) by the sources of determination as described in section 479D(b).

''(3) DATA SHARING.—The Secretary may enter into data sharing agreements with the appropriate Federal or State agencies to conduct outreach regarding, and connect applicants directly with, the means-tested Federal benefit programs described in subsection (a)(2)(B)(ii)(XVI) for which the applicants may be eligible.

''(d) ENSURING FORM USABILITY.—

''(1) SIGNATURE.—Notwithstanding any other provision of this title, the Secretary may permit the Free Application for Federal Student Aid to be submitted without a signature, if a signature is subsequently submitted by the applicant, or if the applicant uses an access device provided by the Secretary.

''(2) FREE PREPARATION AUTHORIZED.—Notwithstanding any other provision of this title, an applicant may use a preparer for consultative or preparation services for the completion of the Free Application for Federal Student Aid without charging a fee to the applicant if the preparer—

''(A) includes, at the time the application is submitted to the Department, the name, address or employer's address, social security number or employer identification number, and organizational affiliation of the preparer on the applicant's form;

''(B) is subject to the same penalties as an applicant for purposely giving false or misleading information in the application;

''(C) clearly informs each individual upon initial contact, that the Free Application for Federal Student Aid is a free form that may be completed without professional assistance; and

''(D) does not produce, use, or disseminate any other form for the purpose of applying for Federal financial aid other than the Free Application for Federal Student Aid form developed by the Secretary under this section.

''(3) CHARGES TO STUDENTS AND PARENTS FOR USE OF FORMS PROHIBITED.—The need and eligibility of a student for financial assistance under this title may be determined only by using the Free Application for Federal Student Aid developed by the Secretary under this section. Such application shall be produced, distributed, and processed by the Secretary, and no parent or student shall be charged a fee by the Secretary, a contractor, a third-party servicer or private software provider, or any other public or private entity for the collection, processing, or delivery of Federal financial aid through the use of such application. No data collected on a form for which a fee is charged shall be used to complete the Free Application for Federal Student Aid prescribed under this section, except that a Federal or State income tax form prepared by a paid income tax preparer or preparer service for the primary purpose of filing a Federal or State income tax return may be used to complete the Free Application for Federal Student Aid prescribed under this section.

''(4) APPLICATION PROCESSING CYCLE.—The Secretary shall enable students to submit a Free Application for Federal Student Aid developed under this section and initiate the processing of such application, not later than January 1 of the student's planned year

of enrollment, to the maximum extent practicable, on or around October 1 prior to the student's planned year of enrollment.

''(5) EARLY ESTIMATES.—The Secretary shall maintain an electronic method for applicants to enter income and family size information to calculate a non-binding estimate of the applicant's Federal financial aid available under this title and shall place such calculator on a prominent location at the beginning of the Free Application for Federal Student Aid.''.

(n) STUDENT ELIGIBILITY.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended—

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

''(q) USE OF INCOME DATA WITH IRS.—The Secretary, in cooperation with the Secretary of the Treasury, shall fulfill the data transfer requirements under section 6103(l)(13) of the Internal Revenue Code of 1986.'';

(2) by striking subsection (r);

(3) by redesignating subsections (s) and (t) as subsections (r) and (s), respectively; and

(4) by adding at the end the following:

''(t) EXCEPTION TO REQUIRED REGISTRATION WITH THE SELECTIVE SERVICE SYSTEM.—Notwithstanding section 12(f) of the Military Selective Service Act (50 U.S.C. 3811(f)), an individual shall not be ineligible for assistance or a benefit provided under this title if the individual is required under section 3 of such Act (50 U.S.C. 3802) to present himself for and submit to registration under such section and fails to do so in accordance with any proclamation issued under such section, or in accordance with any rule or regulation issued under such section.''.

(o) INSTITUTIONAL AND FINANCIAL ASSISTANCE INFORMATION FOR STUDENTS.—Section 485 of the Higher Education Act of 1965 (20 U.S.C. 1092) is amended by striking subsection (k).

(p) EARLY AWARENESS OF FINANCIAL AID ELIGIBILITY.—Section 485E of the Higher Education Act of 1965 (20 U.S.C. 1092f) is amended to read as follows:

''SEC. 485E. EARLY AWARENESS AND OUTREACH OF FINANCIAL AID ELIGIBILITY.

''(a) IN GENERAL.—The Secretary shall implement early outreach activities in order to provide prospective students and their families with information about financial aid and estimates of financial aid. Such early outreach activities shall include the activities described in subsections (b), (c), and (d).

''(b) PELL GRANT EARLY AWARENESS ESTIMATES.—

''(1) IN GENERAL.—The Secretary shall produce a consumer-tested method of estimating student eligibility for Federal Pell Grants outlined in section 401(b) utilizing the variables of family size and adjusted gross income, and presented in electronic format. There shall be a method for students to indicate whether they are, or will be in—

''(A) a single-parent household;

''(B) a household with two parents; or

''(C) a household with no children or dependents.

''(2) CONSUMER TESTING.—

''(A) IN GENERAL.—The method of estimating eligibility described in paragraph (1) shall be consumer tested with prospective first-generation students and families as well as low-income individuals and families.

''(B) UPDATES.—For award year 2023–2024 and each fourth succeeding award year thereafter, the design of the method of estimating eligibility shall be updated based on additional consumer testing with the populations described in subparagraph (A).

''(3) DISTRIBUTION.—The method of estimating eligibility described in paragraph (1) shall be—

''(A) made publicly and prominently available on the Department of Education website; and

''(B) actively shared by the Secretary with—

''(i) institutions of higher education participating in programs under this title;

''(ii) all middle and secondary schools eligible for funds under part A of title I of the Elementary and Secondary Education Act of 1965; and

''(iii) local educational agencies and middle schools and secondary schools that serve students not less than 25 percent of whom meet a measure of poverty as described in section 1113(a)(5) of the Elementary and Secondary Education Act of 1965.

''(4) ELECTRONIC ESTIMATOR ON FAFSA.—In accordance with subsection (d)(5) of section 483, the Secretary shall maintain an electronic method for applicants to enter income and family size, and level of education sought information to calculate a non-binding estimate (which may include a range or ceiling) of the applicant's Federal financial aid available under this title and shall place such calculator on a prominent location on the FAFSA website and in a manner that encourages students to fill out the FAFSA.

''(c) EARLY AWARENESS PLANS.—The Secretary shall establish and implement early awareness and outreach plans to provide early information about the availability of Federal financial aid and estimates of prospective students' eligibility for Federal financial aid as well as to promote the attainment of postsecondary education specifically among prospective first-generation students and families as well as low-income individuals and families, as follows:

''(1) OUTREACH PLANS FOR LOW-INCOME FAMILIES.—

''(A) IN GENERAL.—The Secretary shall develop plans for each population described in this subparagraph to disseminate information about the availability of Federal financial aid under this title, in addition to and in coordination with the distribution of the method of estimating eligibility under subsection (b), to—

''(i) all middle schools and secondary schools eligible for funds under part A of title I of the Elementary and Secondary Education Act of 1965;

''(ii) local educational agencies and middle schools and high schools that serve students not less than 25 percent of whom meet a measure of poverty as described in section 1113(a)(5) of the Elementary and Secondary Education Act; and

''(iii) households receiving assistance under the supplemental nutrition assistance program established under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.).

''(B) CONTENT OF PLANS.—The plans described in paragraph (A) shall—

''(i) provide students and their families with information on—

''(I) the availability of the College Scorecard described in section 132;

''(II) the electronic estimates of financial aid available under subsection (b);

''(III) Federal financial aid available to students, including eligibility criteria for the Federal financial aid and an explanation of the Federal financial aid programs (including applicable Federal educational tax credits); and

''(IV) resources that can inform students of financial aid that may be available from state-based financial aid, state-based college savings programs, and scholarships and other non-governmental sources;

''(ii) describe how the dissemination of information will be conducted by the Secretary.

''(C) REPORTING AND UPDATES.—The Secretary shall post the information about the plans under subparagraph (A) and associated goals publicly on the Department of Education website. On an annual basis, the Secretary shall report qualitative and quantitative outcomes regarding the implementation of the plans under subparagraph (A). The Secretary shall review and update such plans not less often than every 4 award years with the goal of progressively increasing the impact of the activities under this paragraph.

''(D) PARTNERSHIP.—The Secretary may partner with States, State systems of higher education, institutions of higher education, or college access organizations to carry out this paragraph.

''(2) INTERAGENCY COORDINATION PLANS.—

''(A) IN GENERAL.—The Secretary shall develop interagency coordination plans in order to inform more students and families, including low-income individuals or families, about the availability of Federal financial aid under this title through participation in existing Federal programs or tax benefits that serve low-income individuals or families, in coordination with the following Secretaries:

''(i) The Secretary of the Treasury.

''(ii) The Secretary of Labor.

''(iii) The Secretary of Health and Human Services.

''(iv) The Secretary of Agriculture.

''(v) The Secretary of Housing and Urban Development.

''(vi) The Secretary of Commerce.

''(vii) The Secretary of Veterans Affairs.

''(B) PROCESS, ACTIVITIES, AND GOALS.—Each interagency coordination plan under subparagraph (A) shall—

''(i) to identify opportunities in which low-income individuals and families could be informed of the availability of Federal financial aid under this title through access to other Federal programs that serve low-income individuals and families;

''(ii) to identify methods to effectively inform low-income individuals and families of the availability of Federal financial aid for postsecondary education under this title;

''(iii) develop early awareness activities that align with the opportunities and methods identified under clauses (ii) and (iii);

''(iv) establish goals regarding the effects of the activities to be implemented under clause (iii); and

''(v) provide information on how students and families can maintain access to Federal programs that serve low-income individuals and families operated by the agencies identified under subsection (A) while attending an institution of higher education.

''(C) PLAN WITH SECRETARY OF THE TREASURY.—The interagency coordination plan under subparagraph (A)(i) between the Secretary and the Secretary of the Treasury shall further include specific methods to increase the application for Federal financial aid under this title from individuals who file Federal tax returns, including collaboration with tax preparation entities or other third parties, as appropriate.

''(D) REPORTING AND UPDATES.—The Secretary shall post the information about the interagency coordination plans under paragraph (2) and associated goals publicly on the Department of Education website. The plans shall have the goal of progressively increasing the impact of the activities under this paragraph by increasing the number of low-income applicants for, and recipients of, Federal financial aid. The plans shall be updated not less than once every 4 years.

''(3) NATIONWIDE PARTICIPATION IN EARLY AWARENESS PLANS.—

''(A) IN GENERAL.—The Secretary shall solicit voluntary public commitments from entities, such as States, State systems of higher education, institutions of higher education, and other interested organizations, to carry out early awareness plans, which shall include goals, to—

''(i) notify prospective and existing students who are low-income individuals and families about their eligibility for Federal aid under this title, as well as State-based financial aid, if applicable, on an annual basis;

''(ii) increase the number of prospective and current students who are low-income individuals and families filing the Free Application for Federal Student Aid; and

''(iii) increase the number of prospective and current students who are low-income individuals and families enrolling in postsecondary education.

''(B) REPORTING AND UPDATES.—Each entity that makes a voluntary public commitment to carry out an early awareness plan may submit quantitative and qualitative data based on the entity's progress toward the goals of the plan annually prior to a date selected by the Secretary.

''(C) EARLY AWARENESS CHAMPIONS.—Based on data submitted by entities, the Secretary shall select and designate entities submitting public commitments, plans, and goals, as Early Awareness Champions on an annual basis. Those entities designated as Early Awareness Champions shall provide one or more case studies regarding the activities the entity undertook under this paragraph which shall be made public by the Secretary on the Department of Education website to promote best practices.

''(d) PUBLIC AWARENESS CAMPAIGN.—

''(1) IN GENERAL.—The Secretary shall develop and implement a public awareness campaign designed using current and relevant independent research regarding strategies and media platforms found to be most effective in communicating with low-income populations in order to increase national awareness regarding the availability of Federal Pell Grants and financial aid under this title and, at the option of the Secretary, potential availability of state need-based financial aid.

''(2) COORDINATION.—The public awareness campaign described in paragraph (1) shall leverage the activities in subsections (b) and (c) to highlight eligibility among low-income populations. In developing and implementing the campaign, the Secretary may work in coordination with States, institutions of higher education, early intervention and outreach programs under this title, other Federal agencies, organizations involved in college access and student financial aid, secondary schools, local educational agencies, public libraries, community centers, businesses, employers, workforce investment boards, and organizations that provide services to individuals that are or were homeless, in foster care, or are disconnected youth.

''(3) REPORTING.—The Secretary shall report on the success of the public awareness campaign described in paragraph (1) annually regarding the extent to which the public and target populations were reached using data commonly used to evaluate advertising and outreach campaigns and data regarding whether the campaign produced any increase in applicants for Federal aid under this title publicly on the Department of Education website.''.

SEC. ___. FEDERAL PELL GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS.

(a) FEDERAL PELL GRANTS.—Beginning on the effective date described in subsection (b), section 401 of the Higher Education Act of 1965 (20 U.S.C. 1070a) is amended to read as follows:

''SEC. 401. FEDERAL PELL GRANTS: AMOUNT AND DETERMINATIONS; APPLICATIONS.

''(a) PURPOSE; DEFINITIONS.—

''(1) PURPOSE.—The purpose of this subpart is to provide a Federal Pell Grant to low-income students.

''(2) DEFINITIONS.—In this section—

''(A) the term 'adjusted gross income' means—

''(i) in the case of a dependent student, the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the student's parents in the second tax year preceding the academic year; and

''(ii) in the case of an independent student, the adjusted gross income (as defined in section 62 of the Internal Revenue Code of 1986) of the student (and the student's spouse, if applicable) in the second tax year preceding the academic year;

''(B) the term 'family size' has the meaning given the term in section 480(1);

''(C) the term 'poverty line' means the poverty line (as determined under the poverty guidelines updated periodically in the Federal Register by the Department of Health and Human Services under the authority of section 673(2) of the Community Services Block Grant Act (42 U.S.C. 9902(2))) applicable to the student's family size and applicable to the second tax year preceding the academic year;

''(D) the term 'single parent' means—

''(i) a parent of a dependent student who was a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986) or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code of 1986) or was an eligible individual for purposes of the credit under section 32 of such Code, in the second tax year preceding the academic year; or

''(ii) an independent student who was a head of household (as defined in section 2(b) of the Internal Revenue Code of 1986) or a surviving spouse (as defined in section 2(a) of the Internal Revenue Code of 1986) or was an eligible individual for purposes of the credit under section 32 of such Code, in the second tax year preceding the academic year;

''(E) the term 'total maximum Federal Pell Grant' means the total maximum Federal Pell Grant award per student for any academic year described under paragraph (5); and

''(F) the term 'minimum Federal Pell Grant' means the minimum amount of a Federal Pell Grant that shall be awarded to a student eligible under this subpart for any academic year in which that student is attending full time, which shall be equal to 10 percent of the total maximum Federal Pell Grant for such academic year.

''(b) AMOUNT AND DISTRIBUTION OF GRANTS.—

''(1) DETERMINATION OF AMOUNT OF A FEDERAL PELL GRANT.—Subject to paragraphs (2) and (3), the amount of a Federal Pell Grant for a student eligible under this subpart shall be determined in accordance with the following:

''(A) A student eligible under this subpart shall be eligible for a total maximum Federal Pell Grant for an academic year in which the student is enrolled in an eligible program full time—

''(i) if the student or, in the case of a dependent student, the dependent student's parent, is not required to file a Federal income tax return in the second year preceding the academic year;

''(ii) if the student or, in the case of a dependent student, the dependent student's parent, is a single parent, if the adjusted gross income is equal to or less than 225 percent of the poverty line; or

''(iii) if the student or, in the case of a dependent student, the dependent student's parent, is not a single parent, if the adjusted gross income is equal to or less than 175 percent of the poverty line.

''(B) A student eligible under this subpart who is not eligible for a total maximum Federal Pell Grant under subparagraph (A) for an academic year, shall be eligible for a Federal Pell Grant for an academic year in which the student is enrolled in an eligible program full time in an amount that is not more than the amount determined in accordance with the following:

''(i) If the student or, in the case of a dependent student, the dependent student's parent, is a single parent and the adjusted gross income is greater than 225 percent of the poverty line and is less than 325 percent of the poverty line, the amount shall be equal to the greater of—

''(I) the minimum Federal Pell Grant for the academic year; and

''(II) the total maximum Federal Pell Grant for the academic year, minus the product of—

''(aa) the adjusted gross income, less an amount equal to 225 percent of the poverty line; and

''(bb) the total maximum Federal Pell Grant for the academic year, divided by an amount equal to 100 percent of the poverty line.

''(ii) If the student or, in the case of a dependent student, the dependent student's parent, is not a single parent and the adjusted gross income is greater than 175 percent of the poverty line and is less than 275 percent of the poverty line, the amount shall be equal to the greater of—

''(I) the minimum Federal Pell Grant for the academic year; and

''(II) the total maximum Federal Pell Grant for the academic year, minus the product of—

''(aa) the adjusted gross income, less an amount equal to 175 percent of the poverty line; and

''(bb) the total maximum Federal Pell Grant for the academic year, divided by an amount equal to 100 percent of the poverty line.

''(2) LESS THAN FULL-TIME ENROLLMENT.—In any case where a student is enrolled in an eligible program of an institution of higher education on less than a full-time basis (including a student who attends an institution of higher education on less than a half-time basis) during any academic year, the amount of the Federal Pell Grant to which that student is entitled shall be reduced in direct proportion to the degree to which that student is not so enrolled on a full-time basis, rounded to the nearest whole percentage point, as provided in a schedule of reductions published by the Secretary computed in accordance with this subpart. Such schedule of reductions shall be published in the Federal Register in accordance with section 482 of this Act. Such reduced Federal Pell Grant for a student enrolled on a less than full-time basis shall also apply proportionally to students who are otherwise eligible to receive the minimum Federal Pell Grant, if enrolled full-time.

''(3) AWARD MAY NOT EXCEED COST OF ATTENDANCE.—No Federal Pell Grant under this subpart shall exceed the cost of attendance (as defined in section 472) at the institution at which that student is in attendance. If, with respect to any student, it is determined that the amount of a Federal Pell Grant for that student exceeds the cost of attendance for that year, the amount of the Federal Pell Grant shall be reduced until the Federal Pell Grant does not exceed the cost of attendance at such institution.

''(4) STUDY ABROAD.—Notwithstanding any other provision of this subpart, the Secretary shall allow the amount of the Federal Pell Grant to be exceeded for students participating in a program of study abroad approved for credit by the institution at which the student is enrolled when the reasonable costs of such program are greater than the cost of attendance at the student's home institution, except that the amount of such

Federal Pell Grant in any fiscal year shall not exceed the maximum amount of a Federal Pell Grant for which a student is eligible under paragraph (1) or (2) during such award year. If the preceding sentence applies, the financial aid administrator at the home institution may use the cost of the study abroad program, rather than the home institution's cost, to determine the cost of attendance of the student.

''(5) TOTAL MAXIMUM FEDERAL PELL GRANT.—

''(A) IN GENERAL.—For award year 2021–2022, and each subsequent award year, the total maximum Federal Pell Grant award per student shall be equal to the sum of—

''(i) $1,060; and

''(ii) the amount specified as the maximum Federal Pell Grant in the last enacted appropriation Act applicable to that award year.

''(B) ROUNDING.—The total maximum Federal Pell Grant for any award year shall be rounded to the nearest $5.

''(6) FUNDS BY FISCAL YEAR.—To carry out this section for each of fiscal years 2021 through 2030—

''(A) there are authorized to be appropriated and are appropriated (in addition to any other amounts appropriated to carry out this section and out of any money in the Treasury not otherwise appropriated) such sums as are necessary to carry out paragraph (5)(A)(i); and

''(B) such sums as may be necessary are authorized to be appropriated to carry out paragraph (5)(A)(ii).

''(7) APPROPRIATION.—

''(A) IN GENERAL.—In addition to any funds appropriated under paragraph (6) and any funds made available for this section under any appropriations Act, there are authorized to be appropriated, and there are appropriated (out of any money in the Treasury not otherwise appropriated) to carry out this section, $1,145,000,000 for fiscal year 2021 and each subsequent award year.

''(B) NO EFFECT ON PREVIOUS APPROPRIATIONS.—The amendments made to this section by the Student Loan Repayment and FAFSA Simplification Act shall not—

''(i) increase or decrease the amounts that have been appropriated or are available to carry out this section for fiscal year 2017, 2018, 2019, or 2020 as of the day before the effective date of such Act; or

''(ii) extend the period of availability for obligation that applied to any such amount, as of the day before such effective date.

''(8) METHOD OF DISTRIBUTION.—

''(A) IN GENERAL.—For each fiscal year through fiscal year 2030, the Secretary shall pay to each eligible institution such sums as may be necessary to pay each eligible student for each academic year during which that student is in attendance at an institution of higher education as an undergraduate, a Federal Pell Grant in the amount for which that student is eligible.

''(B) ALTERNATIVE DISBURSEMENT.—Nothing in this section shall be interpreted to prohibit the Secretary from paying directly to students, in advance of the beginning of the academic term, an amount for which they are eligible, in the cases where an eligible institution does not participate in the disbursement system under subparagraph (A).

''(9) ADDITIONAL PAYMENT PERIODS IN SAME AWARD YEAR.—

''(A) Effective in the 2017–2018 award year and thereafter, the Secretary shall award an eligible student not more than one and one-half Federal Pell Grants during a single award year to permit such student to work toward completion of an eligible program if, during that single award year, the student has received a Federal Pell Grant for an award year and is enrolled in an eligible program for one or more additional payment periods during the same award year that are not otherwise fully covered by the student's Federal Pell Grant.

''(B) In the case of a student receiving more than one Federal Pell Grant in a single award year under subparagraph (A), the total amount of Federal Pell Grants awarded to such student for the award year may exceed the total maximum Federal Pell Grant available for an award year.

''(C) Any period of study covered by a Federal Pell Grant awarded under subparagraph (A) shall be included in determining a student's duration limit under subsection (d)(5).

''(D) In any case where an eligible student is receiving a Federal Pell Grant for a payment period that spans 2 award years, the Secretary shall allow the eligible institution in which the student is enrolled to determine the award year to which the additional period shall be assigned, as it determines is most beneficial to students.

''(c) SPECIAL RULE.—

''(1) IN GENERAL.—Notwithstanding any other provision of this title, the total maximum Federal Pell Grant shall be provided to a student described in paragraph (2).

''(2) APPLICABILITY.—Paragraph (1) shall apply to any dependent or independent student—

''(A) who is eligible to receive a Federal Pell Grant for the award year for which the determination is made;

''(B) whose parent or guardian was—

''(i) an individual who, on or after September 11, 2001, died in the line of duty while serving on active duty as a member of the Armed Forces; or

''(ii) actively serving as a public safety officer and died in the line of duty while performing as a public safety officer; and

''(C) who is less than 33 years of age.

''(3) INFORMATION.—Notwithstanding any other provision of law, the Secretary shall establish the necessary data-sharing agreements with the Secretary of Veterans Affairs and the Secretary of Defense, as applicable, to provide the information necessary to determine which students meet the requirements of paragraph (2).

''(4) TREATMENT OF PELL AMOUNT.—Notwithstanding section 1212 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10302), in the case of a student who receives an increased Federal Pell Grant amount under this section, the total amount of such Federal Pell Grant, including the increase under this subsection, shall not be considered in calculating that student's educational assistance benefits under the Public Safety Officers' Benefits program under subpart 2 of part L of title I of such Act.

''(5) DEFINITION OF PUBLIC SAFETY OFFICER.—For purposes of this subsection, the term 'public safety officer' means—

''(A) a public safety officer, as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284); or

''(B) a fire police officer, defined as an individual who—

''(i) is serving in accordance with State or local law as an officially recognized or designated member of a legally organized public safety agency;

''(ii) is not a law enforcement officer, a firefighter, a chaplain, or a member of a rescue squad or ambulance crew; and

''(iii) provides scene security or directs traffic—

''(I) in response to any fire drill, fire call, or other fire, rescue, or police emergency; or

''(II) at a planned special event.

''(d) PERIOD OF ELIGIBILITY FOR GRANTS.—

''(1) IN GENERAL.—The period during which a student may receive Federal Pell Grants shall be the period required for the completion of the first undergraduate baccalaureate course of study being pursued by that student at the institution at which the student is in attendance, except that any period during which the student is enrolled in a noncredit or remedial course of study, as described in paragraph (2), shall not be counted for the purpose of this paragraph.

''(2) NONCREDIT OR REMEDIAL COURSES; STUDY ABROAD.—Nothing in this section shall exclude from eligibility courses of study which are noncredit or remedial in nature (including courses in English language instruction) which are determined by the institution to be necessary to help the student be prepared for the pursuit of a first undergraduate baccalaureate degree or certificate or, in the case of courses in English language instruction, to be necessary to enable the student to utilize already existing knowledge, training, or skills. Nothing in this section shall exclude from eligibility programs of study abroad that are approved for credit by the home institution at which the student is enrolled.

''(3) NO CONCURRENT PAYMENTS.—No student is entitled to receive Pell Grant payments concurrently from more than one institution or from the Secretary and an institution.

''(4) POSTBACCALAUREATE PROGRAM.—Notwithstanding paragraph (1), the Secretary may allow, on a case-by-case basis, a student to receive a Federal Pell Grant if the student—

''(A) is carrying at least one-half the normal full-time work load for the course of study the student is pursuing, as determined by the institution of higher education; and

''(B) is enrolled or accepted for enrollment in a postbaccalaureate program that does not lead to a graduate degree, and in courses required by a State in order for the student to receive a professional certification or licensing credential that is required for employment as a teacher in an elementary school or secondary school in that State,

except that this paragraph shall not apply to a student who is enrolled in an institution of higher education that offers a baccalaureate degree in education.

''(5) MAXIMUM PERIOD.—

''(A) IN GENERAL.—Except as provided in subparagraph (B), the period during which a student may receive Federal Pell Grants shall not exceed 12 semesters, or the equivalent of 12 semesters, as determined by the Secretary by regulation. Such regulations shall provide, with respect to a student who received a Federal Pell Grant for a term but was enrolled at a fraction of full time, that only that same fraction of such semester or equivalent shall count towards such duration limits.

''(B) EXCEPTION.—

''(i) IN GENERAL.—Any Federal Pell Grant that a student received during a period described in subclause (I) or (II) of clause (ii) shall not count towards the student's duration limits under this paragraph.

''(ii) APPLICABLE PERIODS.—Clause (i) shall apply with respect to any Federal Pell Grant awarded to a student to enroll in an eligible program at an institution—

''(I) during a period of a student's attendance at an institution—

''(aa) at which the student was unable to complete a course of study due to the closing of the institution; or

''(bb) for which the student was falsely certified as eligible for Federal aid under this title; or

''(II) during a period—

''(aa) for which the student received a loan under this title; and

''(bb) for which the loan described in item (aa) is discharged under—

''(AA) section 437(c)(1) or section 464(g)(1); or

''(BB) section 432(a)(6).

''(e) APPLICATIONS FOR GRANTS.—

''(1) DEADLINES.—The Secretary shall from time to time set dates by which students shall file the Free Application for Federal Student Aid under this subpart.

''(2) APPLICATION.—Each student desiring a Federal Pell Grant for any year shall file the Free Application for Federal Student Aid containing the information necessary to enable the Secretary to carry out the functions and responsibilities of this subpart.

''(f) DISTRIBUTION OF GRANTS TO STUDENTS.—Payments under this section shall be made in accordance with regulations promulgated by the Secretary for such purpose, in such manner as will best accomplish the purpose of this section. Any disbursement allowed to be made by crediting the student's account shall be limited to tuition and fees, and food and housing if that food and housing is institutionally owned or operated. The student may elect to have the institution provide other such goods and services by crediting the student's account.

''(g) INSUFFICIENT APPROPRIATIONS.—If, for any fiscal year, the funds appropriated for payments under this subpart are insufficient to satisfy fully all entitlements, as calculated under subsection (b) (but at the maximum grant level specified in such appropriation), the Secretary shall promptly transmit a notice of such insufficiency to each House of the Congress, and identify in such notice the additional amount that would be required to be appropriated to satisfy fully all entitlements (as so calculated at such maximum grant level).

''(h) USE OF EXCESS FUNDS.—

''(1) 15 PERCENT OR LESS.—If, at the end of a fiscal year, the funds available for making payments under this subpart exceed the amount necessary to make the payments required under this subpart to eligible students by 15 percent or less, then all of the excess funds shall remain available for making payments under this subpart during the next succeeding fiscal year.

''(2) MORE THAN 15 PERCENT.—If, at the end of a fiscal year, the funds available for making payments under this subpart exceed the amount necessary to make the payments required under this subpart to eligible students by more than 15 percent, then all of such funds shall remain available for making such payments but payments may be made under this paragraph only with respect to entitlements for that fiscal year.

''(i) TREATMENT OF INSTITUTIONS AND STUDENTS UNDER OTHER LAWS.—Any institution of higher education which enters into an agreement with the Secretary to disburse to students attending that institution the amounts those students are eligible to receive under this subpart shall not be deemed, by virtue of such agreement, a contractor maintaining a system of records to accomplish a function of the Secretary. Recipients of Pell Grants shall not be considered to be individual grantees for purposes of subtitle D of title V of Public Law 100–690.

''(j) INSTITUTIONAL INELIGIBILITY BASED ON DEFAULT RATES.—

''(1) IN GENERAL.—No institution of higher education shall be an eligible institution for purposes of this subpart if such institution of higher education is ineligible to participate in a loan program under part B or D as a result of a final default rate determination made by the Secretary under part B or D after the final publication of cohort default rates for fiscal year 1996 or a succeeding fiscal year.

''(2) SANCTIONS SUBJECT TO APPEAL OPPORTUNITY.—No institution may be subject to the terms of this subsection unless the institution has had the opportunity to appeal the institution's default rate determination under regulations issued by the Secretary for the loan program authorized under part B or D, as applicable. This subsection shall not apply to an institution that was not participating in the loan program authorized under part B or D on October 7, 1998, unless the institution subsequently participates in the loan programs.''.

(b) EFFECTIVE DATE.—This section, and the amendments made by this section, shall take effect on July 1, 2021.

SA 2534. Mr. ALEXANDER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE II—CAPTA REAUTHORIZATION

Subtitle A—Findings; Definitions; Technical Amendments

SEC. 201. SHORT TITLE.

This title may be cited as the ''CAPTA Reauthorization Act of 2020''.

SEC. 202. FINDINGS.

Section 2 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (1), by striking ''2008, approximately 772,000'' and inserting ''2017, approximately 674,000'';

(2) in paragraph (2)—

(A) in subparagraph (A)—

(i) by striking ''close to ⅓'' and inserting ''75 percent''; and

(ii) by striking ''2008'' and inserting ''2017''; and

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

''(B) investigations have determined that approximately 75 percent of children who were victims of maltreatment in fiscal year 2017 suffered neglect, 18 percent suffered physical abuse, and 9 percent suffered sexual abuse;'';

(3) in paragraph (3)—

(A) in subparagraph (B), by striking ''2008, an estimated 1,740'' and inserting ''2017, an estimated 1,720''; and

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

''(C) in fiscal year 2017, children younger than 1 year old comprised nearly one half of child maltreatment fatalities and 72 percent of child maltreatment fatalities were younger than 3 years of age;'';

(4) in paragraph (4)(B)—

(A) by striking ''37'' and inserting ''40''; and

(B) by striking ''2008'' and inserting ''2017'';

(5) in paragraph (5), by striking '', American Indian children, Alaska Native children, and children of multiple races and ethnicities'' and inserting ''and Indian children, including Alaska Native children,'';

(6) in paragraph (6)—

(A) in subparagraph (A), by inserting ''to strengthen families'' before the semicolon; and

(B) in subparagraph (C), by striking ''neighborhood'' and inserting ''community'';

(7) in paragraph (11), by inserting ''trauma-informed,'' after ''comprehensive,''; and

(8) in paragraph (15)—

(A) in subparagraph (D), by striking ''implementing community plans'' and inserting ''supporting community-based programs to strengthen and support families in order to prevent child abuse and neglect''; and

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

''(E) improving professional, paraprofessional, and volunteer resources to strengthen the child welfare workforce; and''.

SEC. 203. GENERAL DEFINITIONS.

Section 3 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 note) is amended—

(1) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(2) in paragraph (8), by striking the period and inserting ''; and''; and

(3) by adding at the end the following:

''(9) the term 'underserved or overrepresented groups in the child welfare system' includes youth that enter the child welfare system following family rejection, parental abandonment, sexual abuse or sexual exploitation, or unaccompanied homelessness.''.

SEC. 204. TECHNICAL AMENDMENTS.

The Child Abuse Prevention and Treatment Act (42 U.S.C. 5101 et seq.) is amended—

(1) in section 3 (42 U.S.C. 5101 note), by amending paragraph (5) to read as follows:

''(5) the terms 'Indian', 'Indian Tribe', and 'Tribal organization' have the meanings given the terms 'Indian', 'Indian tribe', and 'tribal organization', respectively, in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304);'';

(2) by striking ''tribe'' each place such term appears (other than section 3(5)) and inserting ''Tribe''; and

(3) by striking ''tribal'' each place such term appears (other than section 3(5)) and inserting ''Tribal''.

Subtitle B—General Program

SEC. 211. INTERAGENCY WORK GROUP ON CHILD ABUSE AND NEGLECT.

Section 102 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5102) is amended to read as follows:

''SEC. 102. INTERAGENCY WORK GROUP ON CHILD ABUSE AND NEGLECT.

''(a) ESTABLISHMENT.—The Secretary may continue the work group known as the Interagency Work Group on Child Abuse and Neglect (referred to in this section as the 'Work Group').

''(b) COMPOSITION.—The Work Group shall be comprised of representatives from Federal agencies with responsibility for child abuse and neglect related programs and activities.

''(c) DUTIES.—The Work Group shall—

''(1) coordinate Federal efforts and activities with respect to child abuse and neglect prevention and treatment;

''(2) serve as a forum that convenes relevant Federal agencies to communicate and exchange ideas concerning child abuse and neglect related programs and activities; and

''(3) further coordinate Federal efforts and activities to maximize resources to address child abuse and neglect in areas of critical needs for the field, such as improving research, focusing on prevention, and addressing the links between child abuse and neglect and domestic violence.''.

SEC. 212. NATIONAL CLEARINGHOUSE FOR INFORMATION RELATING TO CHILD ABUSE.

Section 103 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5104) is amended—

(1) in subsection (b)—

(A) in paragraph (1), by striking ''effective programs'' and inserting ''evidence-based and evidence-informed programs'';

(B) by redesignating paragraphs (4) through (9) as paragraphs (5) through (10), respectively;

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

''(4) maintain and disseminate information on best practices to support children being cared for by relative caregivers, including

such children whose living arrangements with relative caregivers occurred without the involvement of a child welfare agency;'';

(D) in paragraph (5), as so redesignated, by inserting '', including efforts to prevent child abuse and neglect'' before the semicolon;

(E) in paragraph (7), as so redesignated—

(i) in subparagraph (A), by striking the semicolon and inserting '', including among at-risk populations, such as young parents, parents with young children, and parents who are adult former victims of domestic violence or child abuse or neglect; and'';

(ii) by striking subparagraph (B);

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

(iv) in subparagraph (B), as so redesignated, by striking ''abuse'' and inserting ''use disorder'';

(F) in paragraph (8), as so redesignated—

(i) by redesignating subparagraphs (B) and (C) as subparagraphs (C) and (D), respectively;

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

''(B) best practices in child protection workforce development and retention;''; and

(iii) in subparagraph (C), as so redesignated, by striking ''mitigate psychological'' and inserting ''prevent and mitigate the effects of''; and

(G) in subparagraph (B) of paragraph (9), as so redesignated, by striking ''abuse'' and inserting ''use disorder''; and

(2) in subsection (c)—

(A) in the heading, by inserting ''; DATA COLLECTION AND ANALYSIS'' after ''RESOURCES'';

(B) in paragraph (1)(C)—

(i) in clause (ii), by striking the semicolon and inserting '', including—

''(I) the number of child fatalities, and (as applicable and practicable) near fatalities, due to child abuse and neglect reported by various sources, including information from the State child welfare agency and from the State child death review program or any other source that compiles State data, including vital statistics death records, State and local medical examiner and coroner office records, and uniform crime reports from local law enforcement; and

''(II) data, to the extent practicable, about the circumstances under which a child fatality, or (as applicable and practicable) near fatality, occurred due to child abuse and neglect, including the cause of the death listed on the death certificate in the case of a child fatality, whether the child was referred to the State child welfare agency, the child's placement at the time (as applicable), the determination made by the child welfare agency (as applicable), and any known previous maltreatment of children by the perpetrator;''; and

(ii) in clause (iv), by striking ''substance abuse'' and inserting ''substance use disorder''; and

(C) in subparagraph (F), by striking ''abused and neglected children'' and inserting ''victims of child abuse or neglect''.

SEC. 213. RESEARCH AND ASSISTANCE ACTIVITIES.

Section 104 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5105) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) in the heading, by striking ''TOPICS'' and inserting ''IN GENERAL'';

(ii) in the matter preceding subparagraph (A)—

(I) by striking ''consultation with other Federal agencies and'' and inserting ''coordination with applicable Federal agencies and in consultation with''; and

(II) by inserting '', including information on primary prevention of child abuse and neglect,'' before ''and to improve'';

(iii) by striking subparagraphs (C), (E), (I), (J), and (N);

(iv) by redesignating subparagraphs (D), (F), (G), (H), (K), (L), and (M) as subparagraphs (F) through (L), respectively;

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

''(C) evidence-based and evidence-informed programs to prevent child abuse and neglect in families that have not had contact with the child welfare system;

''(D) best practices in recruiting, training, and retaining a child protection workforce that addresses identified needs;

''(E) options for updating technology of outdated devices and data systems to improve communication, including facilitating timely information sharing, between systems that are designed to serve children and families;'';

(vi) in subparagraph (G), as so redesignated, by striking ''and the juvenile justice system that improve the delivery of services and treatment, including methods'' and inserting '', the juvenile justice system, and other relevant agencies engaged with children and families that improve the delivery of services and treatment, including related to domestic violence or mental health and substance use disorders,'';

(vii) in subparagraph (L), as so redesignated—

(I) by inserting ''underserved or overrepresented groups in the child welfare system or'' after ''facing''; and

(II) by striking ''Indian tribes and Native Hawaiian'' and inserting ''such'';

(viii) by inserting after subparagraph (L), as so redesignated, the following:

''(M) methods to address geographic, racial, and cultural disparities in the child welfare system, including a focus on access to services;''; and

(ix) by redesignating subparagraph (O) as subparagraph (N); and

(B) in paragraph (2), by striking ''paragraph (1)(O)'' and inserting ''paragraph (1)(N) and analyses based on data from previous years of surveys of national incidence under this Act'';

(C) in paragraph (3)—

(i) by striking ''of 2010'' and inserting ''of 2019'';

(ii) by striking ''Education and the Workforce'' and inserting ''Education and Labor''; and

(iii) by striking ''that contains the results of the research conducted under paragraph (2).'' and inserting ''that—

''(A) identifies the research priorities under paragraph (4) and the process for determining such priorities;

''(B) contains a summary of the research supported pursuant to paragraph (1);

''(C) contains the results of the research conducted under paragraph (2); and

''(D) describes how the Secretary will continue to improve the accuracy of information on the national incidence on child abuse and neglect specified in paragraph (2).'';

(D) in subparagraph (B) of the first paragraph (4) (relating to priorities)—

(i) by striking ''1 years'' and inserting ''1 year''; and

(ii) by inserting '', at least 30 days prior to publishing the final priorities,'' after ''subparagraph (A)''; and

(E) by striking the second paragraph (4) (relating to a study on shaken baby syndrome), as added by section 113(a)(5) of the CAPTA Reauthorization Act of 2010 (Public Law 111–320);

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by inserting ''or underserved or overrepresented groups in the child welfare system'' after ''children with disabilities'' ; and

(ii) by striking ''substance abuse'' and inserting ''substance use disorder'';

(B) by redesignating paragraphs (2) and (3) as paragraphs (3) and (4), respectively;

(C) by inserting after paragraph (1) the following:

''(2) CONTENT.—The technical assistance under paragraph (1) shall be designed to, as applicable—

''(A) promote best practices for addressing child abuse and neglect in families with complex needs, such as families who have experienced domestic violence, substance use disorders, and adverse childhood experiences;

''(B) provide training for child protection workers in trauma-informed practices and supports that prevent and mitigate the effects of trauma for infants, children, youth, and adults;

''(C) reduce geographic, racial, and cultural disparities in child protection systems, which may include engaging law enforcement, education, and health systems, and other systems;

''(D) leverage community-based resources to prevent child abuse and neglect, including resources regarding health (including mental health and substance use disorder), housing, parent support, financial assistance, early childhood education and care, and education services, and other services to assist families;

''(E) provide other technical assistance, as determined by the Secretary in consultation with such State and local public and private agencies and community-based organizations as the Secretary determines appropriate; and

''(F) promote best practices for maximizing coordination and communication between State and local child welfare agencies and relevant health care entities, consistent with all applicable Federal and State privacy laws.'';

(D) in paragraph (3), as so redesignated—

(i) in subparagraph (B), by striking ''mitigate psychological'' and inserting ''prevent and mitigate the effects of''; and

(ii) in subparagraph (D), by striking ''and developmental services'' and inserting ''developmental services, and early intervention''; and

(E) in subparagraph (B) of paragraph (4), as so redesignated—

(i) by striking ''substance abuse'' and inserting ''substance use disorder''; and

(ii) by striking ''and domestic violence services personnel'' and inserting ''domestic violence services personnel, and personnel from relevant youth-serving and religious organizations,'';

(3) in subsection (c)(3), by inserting '', which may include applications related to research on primary prevention of child abuse and neglect'' before the period; and

(4) by striking subsection (e).

SEC. 214. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

Section 105 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106) is amended to read as follows:

''SEC. 105. GRANTS TO STATES, INDIAN TRIBES OR TRIBAL ORGANIZATIONS, AND PUBLIC OR PRIVATE AGENCIES AND ORGANIZATIONS.

''(a) AUTHORITY TO AWARD GRANTS OR ENTER INTO CONTRACTS.—The Secretary may award grants, and enter into contracts, for programs and projects in accordance with this section, for any of the following purposes:

''(1) Capacity building, in order to create coordinated, inclusive, and collaborative systems that have statewide, local, or community-based impact in preventing, reducing, and treating child abuse and neglect.

''(2) Innovation, through time-limited, field-initiated demonstration projects that further the understanding of the field to reduce child abuse and neglect.

''(3) Plans of safe care grants to improve and coordinate State responses to ensure the safety, permanency, and well-being of infants affected by substance use.

''(b) CAPACITY BUILDING GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary may award grants or contracts to an eligible entity that is a State or local agency, Indian Tribe or Tribal organization, a nonprofit entity, or a consortium of such entities.

''(2) APPLICATIONS.—To be eligible to receive a grant or contract under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require.

''(3) USES OF FUNDS.—An eligible entity receiving a grant or contract under this subsection shall use the grant funds to better align and coordinate community-based, local, or State activities to strengthen families and prevent child abuse and neglect, by—

''(A) training professionals in prevention, identification, and treatment of child abuse and neglect, which may include—

''(i) training of professional and paraprofessional personnel in the fields of health care, medicine, law enforcement, judiciary, social work and child protection, education, early childhood care and education, and other relevant fields, or individuals such as court appointed special advocates (CASAs) and guardians ad litem, who are engaged in, or intend to work in, the field of prevention, identification, and treatment of child abuse and neglect, including training on the links between child abuse and neglect and domestic violence and approaches to working with families with substance use disorder;

''(ii) training on evidence-based and evidence-informed programs to improve child abuse and neglect reporting by adults, with a focus on adults who work with children in a professional or volunteer capacity, which may include those in a leadership role within such organizations, including on recognizing and responding to child sexual abuse;

''(iii) training of personnel in best practices to meet the unique needs and development of special populations of children, including those with disabilities, and children under the age of 3, including training on promoting interagency collaboration;

''(iv) improving the training of supervisory child welfare workers on best practices for recruiting, selecting, and retaining personnel;

''(v) enabling State child welfare and child protection agencies to coordinate the provision of services with State and local health care agencies, substance use disorder prevention and treatment agencies, mental health agencies, other public and private welfare agencies, and agencies that provide early intervention services to promote child safety, permanence, and family stability, which may include training on improving coordination between agencies to meet health evaluation and treatment needs of children who have been victims of substantiated cases of child abuse or neglect;

''(vi) training of personnel in best practices relating to the provision of differential response; or

''(vii) training for child welfare professionals to reduce and prevent discrimination (including training related to implicit biases) in the provision of child protection and child welfare services related to child abuse and neglect;

''(B) enhancing systems coordination (including information systems) and triage procedures, including improving State child abuse and neglect registries, for responding to reports of child abuse and neglect, which include programs of collaborative partnerships between the State child protective services agency, community social service agencies and community-based family support programs, law enforcement agencies and legal systems, developmental disability agencies, substance use disorder treatment agencies, health care entities, domestic violence prevention entities, mental health service entities, schools, places of worship, and other community-based agencies, such as children's advocacy centers, in accordance with all applicable Federal and State privacy laws, to allow for the establishment or improvement of a coordinated triage system; or

''(C) building coordinated community-level systems of support for children, parents, and families through prevention services in order to strengthen families and connect families to the services and supports relevant to their diverse needs and interests, including needs related to substance use disorder prevention.

''(D) improving State child abuse and neglect registries, including related to updating such registry on a regular basis to improve the accuracy of such records, and facilitating communication between States, as appropriate, to allow for more accurate and efficient exchange of child abuse and neglect records for purposes of child abuse and neglect investigations and consistent with State laws; or

''(E) supporting the ongoing operation of a 24-hour, national, toll-free telephone hotline to improve capacity to provide crisis intervention and information services, including through implementation of other communication technologies to improve access, for victims and other information seekers.

''(c) FIELD-INITIATED INNOVATION GRANT PROGRAM.—

''(1) IN GENERAL.—The Secretary may award grants to entities that are States or local agencies, Indian Tribes or Tribal organizations, or public or private agencies or organizations (or combinations of such entities) for field-initiated demonstration projects of up to 5 years that advance innovative approaches to prevent, reduce, or treat child abuse and neglect.

''(2) APPLICATIONS.—To be eligible to receive a grant under this subsection, an entity shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require, including a rigorous methodological approach to the evaluation of the grant.

''(3) USE OF FUNDS.—An entity that receives a grant under this subsection shall use the funds made available through the grant to carry out or bring to scale promising, evidence-informed, or evidence-based activities to prevent, treat, or reduce child abuse and neglect that shall include one or more of the following:

''(A) Multidisciplinary systems of care to strengthen families and prevent child abuse and neglect, and primary prevention programs or strategies aimed at reducing the prevalence of child abuse and neglect.

''(B) Projects for the development of new research-based strategies for risk and safety assessments and ongoing evaluation and reassessment of performance and accuracy of existing risk and safety assessment tools, including to improve practices utilized by child protective services agencies, which may include activities to reduce and prevent bias in such practices.

''(C) Projects that involve research-based strategies for innovative training for mandated child abuse and neglect reporters, which may include training that is specific to the mandated individual's profession or role when working with children.

''(D) Projects to improve awareness of child welfare professionals and volunteers in the child welfare system and the public about—

''(i) child abuse or neglect under State law;

''(ii) the responsibilities of individuals required to report suspected and known incidents of child abuse or neglect under State law, as applicable; and

''(iii) the resources available to help prevent child abuse and neglect.

''(E) Programs that promote safe, trauma-informed, and family-friendly physical environments for visitation and exchange—

''(i) for court-ordered, supervised visitation between children and abusing parents; and

''(ii) to facilitate the safe exchange of children for visits with noncustodial parents in cases of domestic violence.

''(F) Innovative programs, activities, and services that are aligned with the research priorities identified under section 104(a)(4).

''(G) Projects to improve implementation of best practices to assist medical professionals in identifying, assessing, and responding to potential abuse in infants, including regarding referrals to child protective services as appropriate and identifying injuries indicative of potential abuse in infants, and to assess the outcomes of such best practices.

''(H) Projects to establish or implement evidence-based or evidence-informed child sexual abuse awareness and prevention programs for parents, guardians, children (including in schools), and teachers and other professionals, including on recognizing and safely reporting such abuse.

''(I) Projects to improve the quality of data that child welfare agencies and State child death review programs collect on child fatalities, and (as applicable and practicable) near fatalities, due to child abuse and neglect, including through data system improvements, cross-agency collaboration and data sharing, and related program evaluation activities, in a manner that, at a minimum, protects personal privacy to the extent required by applicable Federal and State privacy laws.

''(d) GRANTS TO STATES TO IMPROVE AND COORDINATE THEIR RESPONSE TO ENSURE THE SAFETY, PERMANENCY, AND WELL-BEING OF INFANTS AFFECTED BY SUBSTANCE USE.—

''(1) PROGRAM AUTHORIZED.—The Secretary is authorized to make grants to States for the purpose of assisting child welfare agencies, social services agencies, substance use disorder treatment agencies, hospitals with labor and delivery units, medical staff, public health and mental health agencies, and maternal and child health agencies to facilitate collaboration in developing, updating, implementing, and monitoring plans of safe care described in section 106(b)(2)(B)(iii). Section 112(a)(2) shall not apply to the program authorized under this paragraph.

''(2) DISTRIBUTION OF FUNDS.—

''(A) RESERVATIONS.—Of the amounts made available to carry out paragraph (1), the Secretary shall reserve—

''(i) no more than 3 percent for the purposes described in paragraph (7); and

''(ii) up to 3 percent for grants to Indian Tribes and Tribal organizations to address the needs of infants born with, and identified as being affected by, substance abuse or withdrawal symptoms resulting from prenatal drug exposure or a fetal alcohol spectrum disorder and their families or caregivers, which, to the extent practicable,

shall be consistent with the uses of funds described under paragraph (4).

''(B) ALLOTMENTS TO STATES AND TERRITORIES.—The Secretary shall allot the amount made available to carry out paragraph (1) that remains after application of subparagraph (A) to each State that applies for such a grant, in an amount equal to the sum of—

''(i) $500,000; and

''(ii) an amount that bears the same relationship to any funds made available to carry out paragraph (1) and remaining after application of subparagraph (A), as the number of live births in the State in the previous calendar year bears to the number of live births in all States in such year.

''(C) RATABLE REDUCTION.—If the amount made available to carry out paragraph (1) is insufficient to satisfy the requirements of subparagraph (B), the Secretary shall ratably reduce each allotment to a State.

''(3) APPLICATION.—A State desiring a grant under this subsection shall submit an application to the Secretary at such time and in such manner as the Secretary may require. Such application shall include—

''(A) a description of—

''(i) the impact of substance use disorder in such State, including with respect to the substance or class of substances with the highest incidence of abuse in the previous year in such State, including—

''(I) the prevalence of substance use disorder in such State;

''(II) the aggregate rate of births in the State of infants affected by substance abuse or withdrawal symptoms or a fetal alcohol spectrum disorder (as determined by hospitals, insurance claims, claims submitted to the State Medicaid program, or other records), if available and to the extent practicable; and

''(III) the number of infants identified, for whom a plan of safe care was developed, and for whom a referral was made for appropriate services, as reported under section 106(d)(18);

''(ii) the challenges the State faces in developing, implementing, and monitoring plans of safe care in accordance with section 106(b)(2)(B)(iii);

''(iii) the State's lead agency for the grant program and how that agency will coordinate with relevant State entities and programs, including the child welfare agency, the State substance abuse agency, hospitals with labor and delivery units, health care providers, the public health and mental health agencies, programs funded by the Substance Abuse and Mental Health Services Administration that provide substance use disorder treatment for women, the State Medicaid program, the State agency administering the block grant program under title V of the Social Security Act (42 U.S.C. 701 et seq.), the State agency administering the programs funded under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.), the maternal, infant, and early childhood home visiting program under section 511 of the Social Security Act (42 U.S.C. 711), the State judicial system, and other agencies, as determined by the Secretary, and Indian Tribes and Tribal organizations, as appropriate, to develop the application under this paragraph, implement the activities under paragraph (4), and develop reports under paragraph (5);

''(iv) how the State will monitor local development and implementation of plans of safe care, in accordance with section 106(b)(2)(B)(iii)(II), including how the State will monitor to ensure plans of safe care address differences between substance use disorder and medically supervised substance use, including for the treatment of a substance use disorder;

''(v) if applicable, how the State plans to utilize funding authorized under part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) to assist in carrying out any plan of safe care, including such funding authorized under section 471(e) of such Act (as in effect on October 1, 2018) for mental health and substance abuse prevention and treatment services and in-home parent skill-based programs and funding authorized under such section 472(j) (as in effect on October 1, 2018) for children with a parent in a licensed residential family-based treatment facility for substance abuse; and

''(vi) an assessment of the treatment and other services and programs available in the State to effectively carry out any plan of safe care developed, including identification of needed treatment, and other services and programs to ensure the well-being of young children and their families affected by substance use disorder, such as programs carried out under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.) and comprehensive early childhood development services and programs such as Head Start programs;

''(B) a description of how the State plans to use funds for activities described in paragraph (4) for the purposes of ensuring State compliance with requirements under clauses (ii) and (iii) of section 106(b)(2)(B); and

''(C) an assurance that the State will comply with requirements to refer a child identified as substance-exposed to early intervention services as required pursuant to a grant under part C of the Individuals with Disabilities Education Act (20 U.S.C. 1431 et seq.).

''(4) USES OF FUNDS.—Funds awarded to a State under this subsection may be used for the following activities, which may be carried out by the State directly, or through grants or subgrants, contracts, or cooperative agreements:

''(A) Improving State and local systems with respect to the development and implementation of plans of safe care, which—

''(i) shall include parent and caregiver engagement, as required under section 106(b)(2)(B)(iii)(I), regarding available treatment and service options, which may include resources available for pregnant, perinatal, and postnatal women; and

''(ii) may include activities such as—

''(I) developing policies, procedures, or protocols for the administration or development of evidence-based and validated screening tools for infants who may be affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder and pregnant, perinatal, and postnatal women whose infants may be affected by substance use withdrawal symptoms or a fetal alcohol spectrum disorder;

''(II) improving assessments used to determine the needs of the infant and family;

''(III) improving ongoing case management services;

''(IV) improving access to treatment services, which may be prior to the pregnant woman's delivery date; and

''(V) keeping families safely together when it is in the best interest of the child.

''(B) Developing policies, procedures, or protocols in consultation and coordination with health professionals, public and private health facilities, and substance use disorder treatment agencies to ensure that—

''(i) appropriate notification to child protective services is made in a timely manner, as required under section 106(b)(2)(B)(ii);

''(ii) a plan of safe care is in place, in accordance with section 106(b)(2)(B)(iii), before the infant is discharged from the birth or health care facility; and

''(iii) such health professionals and related agency professionals are trained on how to follow such protocols and are aware of the supports that may be provided under a plan of safe care.

''(C) Training health professionals and health system leaders, child welfare workers, substance use disorder treatment agencies, and other related professionals such as home visiting agency staff and law enforcement in relevant topics including—

''(i) State mandatory reporting laws established under section 106(b)(2)(B)(i) and the referral and process requirements for notification to child protective services when child abuse or neglect reporting is not mandated;

''(ii) the co-occurrence of pregnancy and substance use disorder, and implications of prenatal exposure;

''(iii) the clinical guidance about treating substance use disorder in pregnant and postpartum women;

''(iv) appropriate screening and interventions for infants affected by substance use disorder, withdrawal symptoms, or a fetal alcohol spectrum disorder and the requirements under section 106(b)(2)(B)(iii); and

''(v) appropriate multigenerational strategies to address the mental health needs of the parent and child together.

''(D) Establishing partnerships, agreements, or memoranda of understanding between the lead agency and other entities (including health professionals, health facilities, child welfare professionals, juvenile and family court judges, substance use and mental disorder treatment programs, early childhood education programs, maternal and child health and early intervention professionals (including home visiting providers), peer-to-peer recovery programs such as parent mentoring programs, and housing agencies) to facilitate the implementation of, and compliance with, section 106(b)(2) and subparagraph (B) of this paragraph, in areas which may include—

''(i) developing a comprehensive, multi-disciplinary assessment and intervention process for infants, pregnant women, and their families who are affected by substance use disorder, withdrawal symptoms, or a fetal alcohol spectrum disorder, that includes meaningful engagement with and takes into account the unique needs of each family and addresses differences between medically supervised substance use, including for the treatment of substance use disorder, and substance use disorder;

''(ii) ensuring that treatment approaches for serving infants, pregnant women, and perinatal and postnatal women whose infants may be affected by substance use, withdrawal symptoms, or a fetal alcohol spectrum disorder, are designed to, where appropriate, keep infants with their mothers during both inpatient and outpatient treatment; and

''(iii) increasing access to all evidence-based medication-assisted treatment approved by the Food and Drug Administration, behavioral therapy, and counseling services for the treatment of substance use disorders, as appropriate.

''(E) Developing and updating systems of technology for improved data collection and monitoring under section 106(b)(2)(B)(iii), including existing electronic medical records, to measure the outcomes achieved through the plans of safe care, including monitoring systems to meet the requirements of this Act and submission of performance measures.

''(5) REPORTING.—Each State that receives funds under this subsection, for each year such funds are received, shall submit a report to the Secretary, disaggregated by geographic location, economic status, and major racial and ethnic groups, except that such disaggregation shall not be required if the results would reveal personally identifiable

information on, with respect to infants identified under section 106(b)(2)(B)(ii)—

''(A) the number who experienced removal associated with parental substance use;

''(B) the number who experienced removal and subsequently are reunified with parents, and the length of time between such removal and reunification;

''(C) the number who are referred to community providers without a child protection case;

''(D) the number who receive services while in the care of their birth parents;

''(E) the number who receive post-reunification services within 1 year after a reunification has occurred; and

''(F) the number who experienced a return to out-of-home care within 1 year after reunification.

''(6) SECRETARY'S REPORT TO CONGRESS.—The Secretary shall submit an annual report to the Committee on Health, Education, Labor, and Pensions and the Committee on Appropriations of the Senate and the Committee on Education and Labor and the Committee on Appropriations of the House of Representatives that includes the information described in paragraph (5) and recommendations or observations on the challenges, successes, and lessons derived from implementation of the grant program.

''(7) ASSISTING STATES' IMPLEMENTATION.—The Secretary shall use the amount reserved under paragraph (2)(A)(i) to provide written guidance and technical assistance to support States in complying with and implementing this subsection, which shall include—

''(A) technical assistance, including programs of in-depth technical assistance, to additional States, territories, and Indian Tribes and Tribal organizations in accordance with the substance-exposed infant initiative developed by the National Center on Substance Abuse and Child Welfare;

''(B) guidance on the requirements of this Act with respect to infants born with, and identified as being affected by, substance use or withdrawal symptoms or fetal alcohol spectrum disorder, as described in clauses (ii) and (iii) of section 106(b)(2)(B), including by—

''(i) enhancing States' understanding of requirements and flexibilities under this Act, including by clarifying key terms;

''(ii) addressing State-identified challenges with developing, implementing, and monitoring plans of safe care, including those reported under paragraph (3)(A)(ii);

''(iii) disseminating best practices on implementation of plans of safe care, on such topics as differential response, collaboration and coordination, and identification and delivery of services for different populations, while recognizing needs of different populations and varying community approaches across States; and

''(iv) helping States improve the long-term safety and well-being of young children and their families;

''(C) supporting State efforts to develop information technology systems to manage plans of safe care; and

''(D) preparing the Secretary's report to Congress described in paragraph (6).

''(8) SUNSET.—The authority under this subsection shall sunset on September 30, 2023.

''(e) EVALUATION.—

''(1) IN GENERAL.—In making grants or entering into contracts for projects under this section, the Secretary shall require all such projects to report on the outcomes of such activities.

''(2) GOALS AND PERFORMANCE.—The Secretary shall ensure that each entity receiving a grant under this section—

''(A) establishes quantifiable goals for the outcome of the project funded with the grant; and

''(B) adequately measures the performance of the project relative to such goals.

''(3) REPORT.—Each entity that receives a grant under this section shall submit to the Secretary a performance report at such time, in such manner, and containing such information as the Secretary may require, including an evaluation of the effectiveness of the project funded with the grant relative to the goals established for such project under paragraph (2) and data supporting such evaluation.

''(4) FUNDING.—Funding for the evaluations conducted under this subsection shall be provided either as a stated percentage of a demonstration grant or as a separate grant or contract entered into by the Secretary for the purpose of evaluating a particular demonstration project or group of projects. In the case of an evaluation performed by the recipient of a grant, the Secretary shall make available technical assistance for the evaluation, where needed, including the use of a rigorous application of scientific evaluation techniques.

''(f) CONTINUING GRANTS.—The Secretary may award a continuing grant to an entity under this section only if the performance review submitted under paragraph (3) by such entity with respect to the previous year demonstrates effectiveness of the project funded.''.

SEC. 215. GRANTS TO STATES FOR CHILD ABUSE OR NEGLECT PREVENTION AND TREATMENT PROGRAMS.

Section 106 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106a) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''subsection (f)'' and inserting ''subsection (g)''; and

(ii) by striking ''State in—'' and inserting ''State with respect to one or more of the following activities:'';

(B) by amending paragraph (1) to read as follows:

''(1) Maintaining and improving the intake, assessment, screening, and investigation of reports of child abuse or neglect, including support for timely responses to all such reports, with special attention to the provision of rapid responses to such reports involving children under the age of 3, and especially children under the age of 1.'';

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) by striking ''creating and'' and inserting ''Creating and''; and

(II) by inserting '', which may include such teams used by children's advocacy centers,'' after ''multidisciplinary teams'';

(ii) in subparagraph (B)(ii), by striking the semicolon and inserting a period;

(D) by amending paragraph (3) to read as follows:

''(3) Implementing and improving case management approaches, including ongoing case monitoring, and delivery of services and treatment provided to children and their families to ensure safety and respond to family needs, that include—

''(A) multidisciplinary approaches to assessing family needs and connecting them with services;

''(B) organizing treatment teams of community service providers that prevent and treat child abuse and neglect, and improve child well-being;

''(C) case-monitoring that can ensure progress in child well-being; and

''(D) the use of differential response, including during intake and screening, as appropriate.'';

(E) by striking paragraphs (4), (5), and (6) and inserting the following:

''(4)(A) Developing or enhancing data systems to improve case management coordination and communication between relevant agencies;

''(B) enhancing the general child protective system by developing, improving, and implementing risk and safety assessment tools and protocols, such as tools and protocols that allow for the identification of cases requiring rapid responses, systems of data sharing with law enforcement, including the use of differential response, and activities to reduce and prevent bias;

''(C) developing and updating systems of technology that support the program and track reports of child abuse and neglect from intake through final disposition and allow for interstate and intrastate information exchange; and

''(D) real-time case monitoring for caseworkers at the local agency level, and State agency level, to track assessments, service referrals, follow-up, case reviews, and progress toward case plan goals.

''(5) Developing, strengthening, and facilitating training for professionals and volunteers engaged in the prevention, intervention, and treatment of child abuse and neglect including training on—

''(A) the legal duties of such individuals;

''(B) personal safety training for case workers;

''(C) early childhood, child, and adolescent development and the impact of child abuse and neglect, including long-term impacts of adverse childhood experiences;

''(D) improving coordination among child protective service agencies and health care agencies, entities providing health care (including mental health and substance use disorder services), and community resources, for purposes of conducting evaluations related to substantiated cases of child abuse or neglect;

''(E) improving screening, forensic diagnosis, and health and developmental evaluations, which may include best practices for periodic reevaluations, as appropriate;

''(F) addressing the unique needs of children with disabilities, including promoting interagency collaboration to address such needs;

''(G) the placement of children with relative caregivers, and the unique needs and strategies as related to children in such placements;

''(H) responsive, family-oriented approaches to prevention, identification, intervention, and treatment of child abuse and neglect;

''(I) ensuring child safety;

''(J) the links between child abuse and neglect and domestic violence, and approaches to working with families with mental health needs or substance use disorder; or

''(K) coordinating with other services and agencies, as applicable, to address family and child needs, including trauma.'';

(F) by redesignating paragraphs (7) and (8) as paragraphs (6) and (7), respectively;

(G) in paragraph (6), as so redesignated—

(i) by striking ''improving'' and inserting ''Improving'';

(ii) by striking ''the skills, qualifications, and availability of individuals providing services to children and families, and the supervisors of such individuals, through the child protection system, including improvements in''; and

(iii) by striking the semicolon and inserting '', which may include efforts to address the effects of indirect trauma exposure for child welfare workers.'';

(H) in paragraph (7), as so redesignated—

(i) by striking ''developing,'' and inserting ''Developing,''; and

(ii) by striking the semicolon and inserting '', which may include improving public awareness and understanding relating to the role and responsibilities of the child protection system and the nature and basis for reporting suspected incidents of child abuse and neglect.''; and

(I) by striking paragraphs (9) through (14) and inserting the following:

''(8) Collaborating with other agencies in the community, county, or State and coordinating services to promote a system of care focused on both prevention and treatment, such as by—

''(A) developing and enhancing the capacity of community-based programs to integrate shared leadership strategies between parents and professionals to prevent and treat child abuse and neglect at the community level; or

''(B) supporting and enhancing interagency collaboration between the child protection system, public health agencies, education systems, domestic violence systems, law enforcement, and the juvenile justice system for improved delivery of services and treatment, such as models of co-locating service providers, which may include—

''(i) methods for continuity of treatment plans and services as children transition between systems;

''(ii) addressing the health needs, including mental health needs, of children identified as victims of child abuse or neglect, including supporting prompt, comprehensive health and developmental evaluations for children who are the subject of substantiated child maltreatment reports; or

''(iii) the provision of services that assist children exposed to domestic violence, and that also support the caregiving role of their nonabusing parents.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) in subparagraph (A), by striking ''areas of the child protective services system'' and inserting ''ways in which the amounts received under the grant will be used to improve and strengthen the child protective services system through the activities''; and

(ii) by amending subparagraphs (B) and (C) to read as follows:

''(B) DURATION OF PLAN.—Each State plan shall—

''(i) be submitted not less frequently than every 5 years, in coordination with the State plan submitted under part B of title IV of the Social Security Act; and

''(ii) be periodically reviewed and revised by the State, as necessary to reflect any substantive changes to State law or regulations related to the prevention of child abuse and neglect that may affect the eligibility of the State under this section, or if there are significant changes from the State application in the State's funding of strategies and programs supported under this section.

''(C) PUBLIC COMMENT.—Each State shall consult widely with public and private organizations in developing the plan, make the plan public by electronic means in an easily accessible format, and provide all interested members of the public at least 30 days to submit comments on the plan.'';

(B) in paragraph (2)—

(i) in the matter preceding subparagraph (A)—

(I) by inserting ''be developed, as appropriate, in collaboration with the lead entity designated by the State under section 202(1), local programs supported by the lead entity, and families affected by child abuse and neglect, and'' after ''shall''; and

(II) by striking ''achieve the objectives of this title'' and inserting ''strengthen families and reduce incidents of and prevent child abuse and neglect'';

(ii) in subparagraph (A), by inserting ''and takes into account prevention services across State agencies in order to improve coordination of efforts to prevent and reduce child abuse and neglect'' before the semicolon;

(iii) in subparagraph (B)—

(I) by amending clause (i) to read as follows:

''(i) provisions or procedures for individuals to report known and suspected instances of child abuse and neglect directly to a State child protection agency or to a law enforcement agency, as applicable under State law, including a State law for mandatory reporting by individuals required to report such instances, including, as defined by the State—

''(I) health professionals;

''(II) school and child care personnel;

''(III) law enforcement officials; and

''(IV) other individuals, as the applicable State law or statewide program may require;'';

(II) by moving the margins of subclauses (I) and (II) of clause (iii) 2 ems to the right;

(III) in clause (iv), by inserting ''of alleged abuse or neglect in order to ensure the well-being and safety of children'' before the semicolon;

(IV) in clause (v), by inserting '', which may include social services and housing assistance'' before the semicolon;

(V) in clause (vi), by inserting '', which may include placements with relative caregivers'' before the semicolon;

(VI) by striking clauses (x) and (xx);

(VII) by redesignating clauses (xi) through (xix) as clauses (x) through (xviii), respectively;

(VIII) in clause (xii), as so redesignated, by striking ''appointed to represent the child in such proceedings'' and inserting ''appointed to represent the child (who, for purposes of this clause, shall include any child up to the age limit elected by the State pursuant to section 475(8)(B)(iii) of the Social Security Act (42 U.S.C. 675(8)(B)(iii)) in such proceedings'';

(IX) in clause (xvi), as so redesignated, by striking ''clause (xvi)'' and inserting ''clause (xv)''; and

(X) by redesignating clauses (xxi) through (xxv) as clauses (xix) through (xxiii), respectively;

(iv) in subparagraph (D)—

(I) in clause (i), by inserting '', and how such services will be strategically coordinated with relevant agencies to provide a continuum of prevention services and be'' after ''referrals'';

(II) in clause (ii), by inserting ''and retention activities'' after ''training'';

(III) in clause (iii), by inserting '', including for purposes of making such individuals aware of these requirements'' before the semicolon;

(IV) in clause (v)—

(aa) by inserting ''the State's efforts to improve'' before ''policies'';

(bb) by striking ''substance abuse treatment agencies, and other agencies'' and inserting ''substance abuse treatment agencies, other agencies, and kinship navigators''; and

(cc) by striking ''; and'' and inserting a semicolon;

(V) in clause (vi), by striking the semicolon and inserting '', to improve outcomes for children and families; and''; and

(VI) by adding at the end the following:

''(vii) the State's procedures requiring timely public disclosure of the findings or information about the case of child abuse or neglect that has resulted in a child fatality or near fatality, which shall provide for exceptions to the release of such findings or information in order to ensure the safety and well-being of the child, or when the release of such information would jeopardize a criminal investigation;''; and

(v) by striking the flush text that follows subparagraph (G); and

(C) in paragraph (3)—

(i) in the heading, by striking ''LIMITATION'' and inserting ''LIMITATIONS'';

(ii) by striking ''With regard to clauses (vi) and (vii) of paragraph (2)(B)'' and inserting the following:

''(B) CERTAIN IDENTIFYING INFORMATION.—With regard to clauses (vi) and (vii) of paragraph (2)(B)'';

(iii) by inserting before subparagraph (B), as added by clause (ii), the following:

''(A) IN GENERAL.—Nothing in paragraph (2)(B) shall be construed to limit a State's authority to determine State policies relating to public access to court proceedings to determine child abuse and neglect, except that such policies shall, at a minimum, ensure the safety and well-being of the child, parents, and families.''; and

(iv) by adding at the end the following:

''(C) MANDATED REPORTERS IN CERTAIN STATES.—With respect to a State in which State law requires all of the individuals to report known or suspected instances of child abuse and neglect directly to a State child protection agency or to a law enforcement agency, the requirement under paragraph (2)(B)(i) shall not be construed to require the State to define the classes of individuals described in subclauses (I) through (IV) of such paragraph.'';

(3) in subsection (c)—

(A) in paragraph (1)—

(i) in subparagraph (A)—

(I) by striking ''Except as provided in subparagraph (B), each'' and inserting ''Each''; and

(II) by striking ''not less than 3 citizen review panels'' and inserting ''at least 1 citizen review panel''; and

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

''(B) EXCEPTION.—A State may designate a panel for purposes of this subsection, comprised of one or more existing entities established under State or Federal law, such as child fatality panels, or foster care review panels, or State task forces established under section 107, if such entities have the capacity to satisfy the requirements of paragraph (3) and the State ensures that such entities will satisfy such requirements.'';

(B) by striking paragraph (3);

(C) by redesignating paragraphs (4) through (6) as paragraphs (3) through (5), respectively;

(D) in paragraph (4), as so redesignated—

(i) by redesignating subparagraphs (A) and (B) as subparagraphs (B) and (C), respectively;

(ii) in subparagraph (B), as so redesignated, by striking ''paragraph (4)'' and inserting ''paragraph (3)''; and

(iii) by inserting before subparagraph (B), as so redesignated, the following:

''(A) shall develop a memorandum of understanding with each panel, clearly outlining the panel's roles and responsibilities, and identifying any support from the State;''; and

(E) in paragraph (5), as so redesignated—

(i) by inserting ''which may be carried out collectively by a combination of such panels,'' before ''on an annual basis'';

(ii) by striking ''whether or''; and

(iii) by inserting '', which may include providing examples of efforts to implement citizen review panel recommendations'' before the period at the end of the second sentence;

(4) in subsection (d)—

(A) in paragraph (1), by inserting '', disaggregated, where available, by demographic characteristics such as age, sex, race

and ethnicity, disability, caregiver risk factors, caregiver relationship, living arrangement, and relation of victim to their perpetrator'' before the period;

(B) in paragraph (5), by striking ''neglect.'' and inserting ''neglect, including—

''(A) the number of child fatalities, and (as applicable and practicable) near fatalities, due to child abuse and neglect from separate reporting sources within the State, including information from the State child welfare agency and from the State child death review program that—

''(i) is compiled by the State child welfare agency for submission; and

''(ii) considers State data, including vital statistics death records, State and local medical examiner and coroner office records, and uniform crime reports from local law enforcement; and

''(B) information, and the sources used to provide such information, about the circumstances under which a child fatality, or (as applicable and practicable) near fatality, occurred due to child abuse and neglect, including the cause of the death listed on the death certificate in the case of a child fatality, whether the child was referred to the State child welfare agency, the child's placement at the time (as applicable), the determination made by the child welfare agency (as applicable), and any known previous maltreatment of children by the perpetrator.'';

(C) in paragraph (13)—

(i) by inserting ''and recommendations'' after ''the activities''; and

(ii) by striking ''subsection (c)(6)'' and inserting ''subsection (c)(5)'';

(D) in paragraph (16), by striking ''subsection (b)(2)(B)(xxi)'' and inserting ''subsection (b)(2)(B)(xix)''; and

(E) in paragraph (17), by striking ''subsection (b)(2)(B)(xxiv)'' and inserting ''subsection (b)(2)(B)(xxii)'';

(5) by redesignating subsections (e) and (f) as subsections (f) and (g), respectively;

(6) by inserting after subsection (d) the following:

''(e) ASSISTING STATES IN IMPLEMENTATION.—The Secretary shall provide technical assistance to support States in reporting the information required under subsection (d)(5).'';

(7) in subsection (f), as so redesignated, by striking ''the Congress'' and inserting ''the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives'';

(8) in subsection (g), as so redesignated, by adding at the end the following:

''(6) LIMITATION.—For any fiscal year for which the amount allotted to a State or territory under this subsection exceeds the amount allotted to the State or territory under such subsection for fiscal year 2019, the State or territory may not use more than 2 percent of such excess amount for administrative expenses.''; and

(9) by adding at the end the following:

''(h) ANNUAL REPORT.—A State that receives funds under subsection (a) shall annually prepare and submit to the Secretary a report describing the manner in which funds provided under this Act, alone or in combination with other Federal funds, were used to address the purposes and achieve the objectives of section 106, including—

''(1) a description of how the State used such funds to improve the child protective system related to—

''(A) effective collaborative and coordination strategies among child protective services and social services, legal services, health care services (including mental health and substance use disorder services), domestic violence services, education agencies, and community-based organizations that contribute to improvements of the overall well-being of children and families; and

''(B) capacity-building efforts to support identification of, and improvement of responses to, child maltreatment; and

''(2) how the State collaborated with community-based prevention organizations to reduce barriers to, and improve the effectiveness of, programs related to child abuse and neglect.''.

SEC. 216. GRANTS TO STATES FOR PROGRAMS RELATING TO THE INVESTIGATION AND PROSECUTION OF CHILD ABUSE AND NEGLECT CASES.

Section 107 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106c) is amended—

(1) in subsection (a)—

(A) by striking ''the assessment and investigation'' each place it appears and inserting ''the assessment, investigation, and prosecution'';

(B) in paragraph (1)—

(i) by striking ''and exploitation,'' and inserting '', exploitation, and child sex-trafficking,''; and

(ii) by inserting '', including through a child abuse investigative multidisciplinary review team'' before the semicolon;

(C) in paragraph (2), by adding ''and'' after the semicolon;

(D) by striking paragraph (3);

(E) by redesignating paragraph (4) as paragraph (3); and

(F) in paragraph (3), as so redesignated, by inserting '', or other vulnerable populations,'' after ''health-related problems'';

(2) in subsection (c)(1)—

(A) in subparagraph (I), by striking ''and'' at the end;

(B) in subparagraph (J), by striking the period and inserting ''; and''; and

(C) by adding at the end the following:

''(K) individuals experienced in working with underserved or overrepresented groups in the child welfare system.''; and

(3) in subsection (d)(1), by striking ''and exploitation'' and inserting '', exploitation, and child sex-trafficking'';

(4) in subsection (e)(1)—

(A) in subparagraph (A), by striking ''and exploitation'' and inserting '', exploitation, and child sex-trafficking'';

(B) in subparagraph (B), by striking ''; and'' at the end and inserting a semicolon;

(C) in subparagraph (C)—

(i) by striking ''and exploitation'' and inserting '', exploitation, and child sex-trafficking''; and

(ii) by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(D) improving coordination among agencies regarding reports of child abuse and neglect to ensure both law enforcement and child protective services agencies have ready access to full information regarding past reports, which may be done in coordination with other States or geographic regions.''.

SEC. 217. MISCELLANEOUS REQUIREMENTS RELATING TO ASSISTANCE.

Section 108 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106d) is amended by striking subsection (e).

SEC. 218. REPORTS.

Section 110 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106f) is amended—

(1) in subsection (a), by striking ''CAPTA Reauthorization Act of 2010'' and inserting ''CAPTA Reauthorization Act of 2020'';

(2) in subsection (b)—

(A) in the heading, by striking ''EFFECTIVENESS OF STATE PROGRAMS'' and inserting ''ACTIVITIES'';

(B) by striking ''evaluating the effectiveness of programs receiving assistance under section 106 in achieving the'' and inserting ''on activities of technical assistance for programs that support State efforts to meet the needs and'';

(3) by striking subsections (c) and (d) and inserting the following:

''(c) REPORT ON STATE MANDATORY REPORTING LAWS.—Not later than 4 years after the date of enactment of the CAPTA Reauthorization Act of 2020, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains—

''(1) information on—

''(A) training supported by this Act, and through other relevant Federal programs, for mandatory reporters of child abuse or neglect;

''(B) State efforts to improve reporting on, and responding to reports of, child abuse or neglect; and

''(C) barriers, if any, affecting mandatory reporting; and

''(2) data regarding any changes in the rate of substantiated child abuse and neglect reports, and changes in the rate of child fatalities, and near fatalities, from child abuse and neglect, since the date of enactment of the CAPTA Reauthorization Act of 2020.

''(d) REPORT RELATING TO INJURIES INDICATING THE PRESENCE OF CHILD ABUSE.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2020, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report that contains—

''(1) information on best practices developed by medical institutions and other multidisciplinary partners to identify and appropriately respond to injuries indicating the presence of potential physical abuse in children, particularly among infants, including—

''(A) the identification and assessment of such injuries by health care professionals and appropriate child protective services referral and notification processes; and

''(B) an identification of effective programs replicating best practices, and barriers or challenges to implementing programs; and

''(2) data on any outcomes associated with the practices described in paragraph (1), including subsequent revictimization and child fatalities.

''(e) REPORT RELATING TO CHILD ABUSE AND NEGLECT IN INDIAN TRIBAL COMMUNITIES.—Not later than 3 years after the date of enactment of the CAPTA Reauthorization Act of 2020, the Comptroller General of the United States, taking into consideration the perspectives of Indian Tribes from each of the 12 Bureau of Indian Affairs Regions, as identified for the report under this subsection, shall submit a report to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives that contains—

''(1) information about such Indian Tribes and Tribal Organizations providing child abuse and neglect prevention activities, including types of programming and number of such Tribes providing services;

''(2) promising practices used by such Tribes for child abuse and neglect prevention;

''(3) information about the child abuse and neglect prevention activities such Tribes are providing, including those activities supported by Tribal, State, and Federal funds;

''(4) ways to support prevention efforts regarding child abuse and neglect of children who are Indians, including Alaska Natives, which may include the use of the children's trust fund model;

''(5) an assessment of Federal agency collaboration and technical assistance efforts to address child abuse and neglect prevention and treatment of children who are Indians, including Alaska Natives;

''(6) an examination of access to child abuse and neglect prevention research and demonstration grants by Indian tribes under this Act; and

''(7) an examination of Federal child abuse and neglect data systems to identify what Tribal data is being submitted to the Department of Health and Human Services, or other relevant agencies, as applicable, any barriers to the submission of such data, and recommendations on improving the submission of such data.''.

SEC. 219. AUTHORIZATION OF APPROPRIATIONS.

Section 112(a)(1) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5106h(a)(1)) is amended to read as follows:

''(1) GENERAL AUTHORIZATION.—There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2020 through 2025.''.

Subtitle C—Community-based Grants for the Prevention of Child Abuse and Neglect

SEC. 221. PURPOSE AND AUTHORITY.

Section 201 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116) is amended—

(1) in subsection (a)—

(A) in paragraph (1), by striking ''the coordination of'' and inserting ''State, regional, and local coordination of'' ; and

(B) in paragraph (2), by striking ''foster an understanding, appreciation, and knowledge of diverse populations'' and inserting ''support local programs in increasing access for diverse populations to programs and activities''; and

(2) in subsection (b)—

(A) by striking paragraph (2);

(B) by redesignating paragraphs (3) through (5) as paragraphs (4) through (6), respectively;

(C) in paragraph (1)—

(i) in subparagraph (C), by inserting ''healthy relationships and'' before ''parenting skills'';

(ii) in subparagraph (E), by striking ''including access to such resources and opportunities for unaccompanied homeless youth;'' and inserting ''such as providing referrals to early health and developmental services, including access to such resources and opportunities for homeless families and those at risk of homelessness; and'';

(iii) by striking subparagraph (H);

(iv) by redesignating subparagraph (G) as paragraph (3) and adjusting the margin accordingly; and

(v) in the matter preceding subparagraph (A)—

(I) by inserting ''State, regional, and local capacity, to the extent practicable, of'' after ''enhancing''; and

(II) by striking ''that—'' and inserting the following: ''in order to provide a continuum of services to children and families;

''(2) supporting local programs, which may include capacity building activities such as technical assistance, training, and professional development to provide community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect that help families build protective factors linked to the prevention of child abuse and neglect that—'';

(D) in paragraph (3), as so redesignated, by striking ''demonstrate a commitment to involving parents in the planning and program implementation of the lead agency and entities carrying out'' and inserting ''supporting the meaningful involvement of parents in the planning, program implementation, and evaluation of the lead entity and'';

(E) in paragraph (4), as so redesignated, by striking ''specific community-based'' and all that follows through ''section 205(a)(3)'' and inserting ''core child abuse and neglect prevention services described in section 205(a)(3) and the services identified by the inventory required under section 204(3)'';

(F) in paragraph (5), as so redesignated—

(i) by striking ''funds for the'' and inserting ''Federal, State, local, and private funds, to carry out the purposes of this title, which may include'';

(ii) by inserting ''and'' before ''information management and reporting''; and

(iii) by striking ''reporting and evaluation costs for establishing, operating, or expanding'' and inserting ''such as data systems to facilitate statewide monitoring, reporting, and evaluation costs for''; and

(G) in paragraph (6), as so redesignated—

(i) by inserting '', which may include activities to increase public awareness and education, and developing comprehensive outreach strategies to engage diverse, underserved, and at-risk populations,'' after ''information activities''; and

(ii) by striking ''and the promotion of child abuse and neglect prevention activities''.

SEC. 222. ELIGIBILITY.

Section 202 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116a) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)—

(i) by inserting '', taking into consideration the capacity and expertise of eligible entities,'' after ''Governor of the State''; and

(ii) by inserting ''State, regional, and local capacity of'' before ''community-based'';

(B) in subparagraph (B)—

(i) by striking ''who are consumers'' and inserting ''who are or who have been consumers'';

(ii) by striking ''applicant agency'' and inserting ''lead entity''; and

(iii) by adding ''and'' after the semicolon;

(C) in subparagraph (C)—

(i) by inserting ''local,'' after ''State,''; and

(ii) by striking ''; and'' and inserting a semicolon; and

(D) by striking subparagraph (D);

(2) in paragraph (2)—

(A) in subparagraph (A), by striking ''composed of'' and all that follows through ''children with disabilities'' and inserting ''carried out by local, collaborative, and public-private partnerships''; and

(B) in subparagraph (C), by inserting ''local,'' after ''State,'';

(3) in paragraph (3)—

(A) in subparagraph (A), by striking ''parental participation in the development, operation, and oversight of the'' and inserting ''the meaningful involvement of parents in the development, operation, evaluation, and oversight of the State and local efforts to support'';

(B) in subparagraph (B)—

(i) by inserting ''relevant'' before ''State and community-based''; and

(ii) by striking ''the community-based'' and inserting ''community-based'';

(C) in subparagraph (C)—

(i) by striking ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect'' and inserting ''local programs''; and

(ii) by striking ''; and'' and inserting a semicolon;

(D) in subparagraph (D)—

(i) by striking '', parents with disabilities,'' and inserting ''or parents with disabilities, and members of underserved or overrepresented groups in the child welfare system,''; and

(ii) by striking the period and inserting ''; and''; and

(E) by adding at the end the following:

''(E) will take into consideration barriers to access to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, including for populations described in section 204(7)(A)(iii) and gaps in unmet need identified in the inventory described in section 204(3) when distributing funds to local programs for use in accordance with section 205(a).''.

SEC. 223. AMOUNT OF GRANT.

Section 203 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116b) is amended—

(1) in subsection (a)—

(A) by striking ''210'' and inserting ''209''; and

(B) by adding at the end the following: ''In any fiscal year for which the amount appropriated under section 209 exceeds the amount appropriated under such section for fiscal year 2019 by more than $2,000,000, the Secretary shall increase the reservation described in this subsection to up to 5 percent of the amount appropriated under section 209 for the fiscal year for the purpose described in the preceding sentence.''; and

(2) in subsection (b)(1)—

(A) in the matter preceding subparagraph (A), by striking ''210'' and inserting ''209''; and

(B) in subparagraph (A), by striking ''$175,000'' and inserting ''$200,000''.

SEC. 224. APPLICATION.

Section 204 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116d) is amended—

(1) in the matter preceding paragraph (1), by striking ''the State'' and inserting ''the lead entity'';

(2) in paragraph (1), by striking ''which meets the requirements of section 202'';

(3) in paragraph (2), by striking ''community-based child abuse and neglect prevention programs'' and inserting ''programs and activities'';

(4) in paragraph (3), by inserting ''designed to strengthen and support families'' after ''programs and activities'';

(5) in paragraph (5), by striking ''start up'' and inserting ''start-up'';

(6) by amending paragraph (6) to read as follows:

''(6) a description of the lead entity's capacity to ensure the meaningful involvement of family advocates, relative caregivers, adult former victims of child abuse or neglect, and parents who are, or who have been, consumers of preventive supports, in the planning, implementation, and evaluation of the programs and policy decisions;'';

(7) by amending paragraph (7) to read as follows:

''(7) a description of the criteria that the lead entity will use to—

''(A) select and fund local programs, and how the lead entity will take into consideration the local program's ability to—

''(i) collaborate with other community-based organizations and service providers and engage in long-term and strategic planning for community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect;

''(ii) meaningfully partner with parents in the development, implementation, oversight, and evaluation of services; and

''(iii) reduce barriers to access to community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, including for diverse, underserved, and at-risk populations; or

''(B) develop or provide community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect, and provide a description of how such activities are evidence-based or evidence-informed;'';

(8) in paragraph (8)—

(A) by striking ''entity and the community-based and prevention-focused programs designed to strengthen and support families to prevent child abuse and neglect'' and inserting ''lead entity and local programs'';

(B) by striking ''homeless families and those at risk of homelessness, unaccompanied homeless youth'' and inserting ''victims of domestic violence, homeless families and those at risk of homelessness, families experiencing trauma''; and

(C) by inserting '', including underserved or overrepresented groups in the child welfare system'' before the semicolon;

(9) in paragraph (9), by striking ''community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect'' and inserting ''local programs'';

(10) in paragraph (10), by striking ''applicant entity's activities and those of the network and its members (where appropriate) will be evaluated'' and inserting ''lead entity's activities and local programs will be evaluated, including in accordance with section 206'';

(11) in paragraph (11)—

(A) by striking ''applicant entity'' and inserting ''lead entity''; and

(B) by inserting '', including how the lead entity will promote and consider improving access among diverse, underserved, and at-risk populations'' before the semicolon; and

(12) in paragraph (12), by striking ''applicant entity'' and inserting ''lead entity''.

SEC. 225. LOCAL PROGRAM REQUIREMENTS.

Section 205 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116e) is amended—

(1) in subsection (a)—

(A) in the matter preceding paragraph (1)—

(i) by striking ''Grants made'' and inserting ''Grants or contracts made by the lead entity''; and

(ii) by striking ''that—'' and inserting '', which may include—'';

(B) by amending paragraph (1) to read as follows:

''(1) assessing community assets and needs through a planning process that—

''(A) involves other community-based organizations or agencies that have already performed a needs assessment;

''(B) includes the meaningful involvement of parents; and

''(C) uses information and expertise from local public agencies, local nonprofit organizations, and private sector representatives in meaningful roles;'';

(C) in paragraph (2), by striking ''develop'' and inserting ''developing'';

(D) in paragraph (3)—

(i) in subparagraph (A)—

(I) in the matter preceding clause (i), by striking ''provide for'' and inserting ''providing''; and

(II) in clause (i), by striking ''mutual support and'' and inserting ''which may include programs and services that improve knowledge of healthy child development, parental resilience, mutual support, and''; and

(ii) in subparagraph (B)—

(I) in the matter preceding clause (i), by striking ''provide access to optional services'' and inserting ''connecting individuals and families to additional services'';

(II) in clause (ii), by striking ''and intervention'' and inserting '', such as Head Start, including early Head Start, and early intervention'';

(III) by redesignating clauses (iii) through (ix) as clauses (iv) through (x), respectively;

(IV) by inserting after clause (ii) the following:

''(iii) nutrition programs, which may include the special supplemental nutrition program for women, infants, and children established by section 17 of the Child Nutrition Act of 1966 (42 U.S.C. 1786) and the supplemental nutrition assistance program under the Food and Nutrition Act of 2008 (7 U.S.C. 2011 et seq.);''; and

(V) in clause (vi), as so redesignated, by striking ''services, such as academic tutoring, literacy training, and General Educational Degree services'' and inserting ''and workforce development programs, including adult education and literacy training and academic tutoring'';

(E) in paragraph (4)—

(i) by striking ''develop leadership roles for the'' and inserting ''developing and maintaining'';

(ii) by inserting '', and, as applicable, relative caregivers,'' after ''parents''; and

(iii) by striking ''the programs'' and inserting ''programs'';

(F) in paragraph (5), by striking ''provide'' and inserting ''providing''; and

(G) in paragraph (6), by striking ''participate'' and inserting ''participating''; and

(2) in subsection (b), by striking ''programs..'' and inserting ''programs.''.

SEC. 226. PERFORMANCE MEASURES.

Section 206 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116f) is amended—

(1) in paragraph (2), by striking ''optional services as described in section 202'' and inserting ''additional services as described in section 205(a)(3)(B)'';

(2) in paragraph (3), by striking ''section 205(3)'' and inserting ''section 204'';

(3) in paragraph (5), by striking ''used the services of'' and inserting ''participated in'';

(4) in paragraph (6), by striking ''community level'' and inserting ''local level'';

(5) in paragraph (7), by striking ''; and'' and inserting a semicolon;

(6) by redesignating paragraph (8) as paragraph (9);

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

''(8) shall describe the percentage of total funding provided to the State under section 203 that supports evidence-based and evidence-informed community-based and prevention-focused programs and activities designed to strengthen and support families to prevent child abuse and neglect; and''; and

(8) in paragraph (9), as so redesignated, by striking ''continued leadership'' and inserting ''meaningful involvement''.

SEC. 227. DEFINITIONS.

Section 208(2) of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116h(2)) is amended—

(1) in the paragraph heading, by inserting ''DESIGNED TO STRENGTHEN AND SUPPORT FAMILIES'' after ''ACTIVITIES'';

(2) by striking ''organizations such as'';

(3) by inserting ''for parents and children'' after ''mutual support programs''; and

(4) by striking ''or respond to''.

SEC. 228. AUTHORIZATION OF APPROPRIATIONS.

Section 209 of the Child Abuse Prevention and Treatment Act (42 U.S.C. 5116i) is amended to read as follows:

''SEC. 209. AUTHORIZATION OF APPROPRIATIONS.

''There are authorized to be appropriated to carry out this title such sums as may be necessary for each of fiscal years 2020 through 2025.''.

Subtitle D—Adoption Opportunities

SEC. 231. CONGRESSIONAL FINDINGS AND DECLARATION OF PURPOSE.

Section 201 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5111) is amended—

(1) in the section heading, by striking ''**AND DECLARATION OF PURPOSE**'' and inserting ''**, DECLARATION OF PURPOSE, AND DEFINITION**'';

(2) in subsection (a)—

(A) in paragraph (1), by striking ''2009, some 424,000'' and inserting ''2018, some 437,000'';

(B) in paragraph (3)—

(i) by striking subparagraphs (A) through (D); and

(ii) by striking ''services because the children entering foster care—'' and inserting ''services;'';

(C) in paragraph (6)—

(i) in subparagraph (A), by striking ''2009, there were 115,000'' and inserting ''2018, there were 125,000'';

(ii) in subparagraph (C)—

(I) in clause (i), by striking ''2009'' and inserting ''2018''; and

(II) in clause (ii), by striking ''more than 8'' and inserting ''less than 8''; and

(iii) in subparagraph (D)—

(I) in clause (i)—

(aa) by striking ''25 percent'' and inserting ''17 percent''; and

(bb) by striking ''2009'' and inserting ''2018''; and

(II) in clause (ii)—

(aa) by striking ''30 percent'' and inserting ''22 percent''; and

(bb) by striking ''2009'' and inserting ''2018''; and

(D) in paragraph (9)(B)—

(i) by inserting ''should not'' before ''be maintained''; and

(ii) by striking ''or institutions''; and

(3) in subsection (b)—

(A) in the matter preceding paragraph (1)—

(i) by inserting ''children with disabilities, underserved or overrepresented children and youth in the child welfare system,'' after ''minority children,''; and

(ii) by striking ''including disabled infants with life-threatening conditions,'';

(B) in paragraph (2)(C), by striking ''; and'' and inserting a semicolon;

(C) in paragraph (3), by striking the period and inserting ''; and''; and

(D) by adding at the end the following:

''(4) support the development and implementation of evidence-based and evidence-informed post-legal adoption services for families that adopt children in order to increase permanency.''; and

(4) by adding at the end the following:

''(c) DEFINITION.—In this title, the term 'child with special needs' means a child facing barriers to adoption, including a child with special needs as determined under section 473(c) of the Social Security Act (42 U.S.C. 673(c)).''.

SEC. 232. SENSE OF CONGRESS AND TECHNICAL ASSISTANCE ON INFORMAL CUSTODY TRANSFERS.

The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended by inserting after section 201 (42 U.S.C. 5111) the following:

''SEC. 202. SENSE OF CONGRESS AND TECHNICAL ASSISTANCE ON INFORMAL CUSTODY TRANSFERS.

''(a) SENSE OF CONGRESS.—It is the sense of Congress that—

''(1) there are challenges associated with adoptions (including the child's mental health needs and the difficulties many families face in accessing support services) and some families may seek out an informal transfer of physical custody without any formal supervision by child welfare authorities or courts;

''(2) some adopted children experience trauma, and the disruption and placement in another home may contribute to additional trauma and instability for such children;

''(3) post-adoption informal transfers of physical custody may not include certain safety measures that are required as part of formal adoption proceedings;

''(4) child welfare authorities and courts may be unaware of the placement of children through such informal custody transfers and, as a result, therefore do not conduct assessments on the child's safety and well-being in subsequent such placements;

''(5) the lack of such assessments may result in the placement of children in homes in which the children may be exposed to unsafe environments;

''(6) the caregivers with whom a child is placed through an informal custody transfer may have no legal responsibility with respect to such child and may not have complete records with respect to such child, including the child's birth, medical, or other records; and

''(7) a child adopted through intercountry adoption may be at risk of not acquiring United States citizenship if an informal custody transfer occurs before the adoptive parents complete all necessary steps to finalize the adoption of such child.

''(b) TECHNICAL ASSISTANCE AND PUBLIC AWARENESS.—The Secretary, in coordination with the heads of other relevant departments, shall, as appropriate, improve public awareness related to preventing adoption disruption and dissolutions, including informal custody transfers of adopted children. Such activities may include updating, as appropriate, Federal resources, including internet websites, which provide information on the practice of informal custody transfers to provide families with information on post-legal adoption services from State, local, and private resources.''.

SEC. 233. INFORMATION AND SERVICES.

Section 203 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5113) is amended—

(1) in subsection (a)—

(A) by striking ''such purposes, including services'' and all that follows through the period at the end and inserting the following: ''such purposes, including—

''(1) services to facilitate the adoption of older children, minority children, children with disabilities, underserved or overrepresented children and youth in the child welfare system, and children with special needs;

''(2) services to families considering adoption of children with special needs; and

''(3) post-legal adoption services for families to provide permanent and caring home environments for children who would benefit from adoption.'';

(2) in subsection (b)—

(A) in paragraph (1)—

(i) by striking ''on adoption, and'' and inserting ''on adoption, including the evaluation of training and accessible education materials;''; and

(ii) by inserting '', and update such training and education materials, as appropriate'' before the semicolon;

(B) in paragraph (2), by inserting ''children with disabilities, underserved or overrepresented children and youth in the child welfare system,'' after ''minority children,'';

(C) in paragraph (7), by inserting ''children with disabilities, underserved or overrepresented children and youth in the child welfare system,'' after ''minority children,'';

(D) in paragraph (9)—

(i) in the matter preceding subparagraph (A), by inserting '', expand, and enhance'' after ''maintain''; and

(ii) in subparagraph (D)—

(I) by inserting ''and disseminate'' after ''identify''; and

(II) by striking ''termination'' and inserting ''dissolution, and increase permanency, including related to pre- and post-legal adoption services'';

(E) in paragraph (10)(A)—

(i) by redesignating clauses (iii) through (ix) as clauses (iv) through (x), respectively;

(ii) in clause (ii)—

(I) by inserting '', and finding such family and relatives willing to adopt such child to improve permanency'' before the semicolon; and

(II) by striking ''such children, including developing'' and inserting ''such children;

''(iii) developing'';

(iii) in clause (vi), as so redesignated, by inserting '', including such groups for individuals who may enter into relative caregiver arrangements'' before the semicolon; and

(iv) in clause (ix), as so redesignated, by inserting '', including such groups for kinship caregiver arrangements'' before the semicolon; and

(F) in paragraph (11)—

(i) in the matter preceding subparagraph (A), by inserting ''Indian Tribes or Tribal organizations,'' after ''States,'';

(ii) in subparagraph (B), by striking ''; and'' and inserting a semicolon;

(iii) in subparagraph (C), by striking the period and inserting ''; and''; and

(iv) by adding at the end the following:

''(D) procedures to identify and support potential kinship care arrangements.'';

(3) in subsection (c)—

(A) in paragraph (1), by striking ''post legal adoption'' and inserting ''post-legal adoption''; and

(B) in paragraph (2)(G), by inserting '', including such parents, children, and siblings in kinship care arrangements'' before the semicolon;

(4) in subsection (d)—

(A) in the subsection heading, by inserting ''AND IMPROVING POST-LEGAL ADOPTION SUPPORT SERVICES'' after ''CARE'';

(B) in paragraph (1), by inserting ''including through the improvement of post-legal adoption services,'' after ''free for adoption,'';

(C) in paragraph (2)—

(i) in subparagraph (A)—

(I) in clause (i), by inserting '', including plans to assess the need for and provide, as appropriate, post-legal adoption services in order to improve permanency'' before the semicolon;

(II) in clause (ii), by inserting ''children with disabilities, underserved or overrepresented children and youth in the child welfare system,'' after ''minority children,''; and

(III) in clause (iv), by striking ''section 473 of the Social Security Act (42 U.S.C. 673)'' and inserting ''subpart 2 of part B of title IV of the Social Security Act (42 U.S.C. 629 et seq.) and part E of such title IV (42 U.S.C. 670 et seq.)''; and

(ii) in subparagraph (B)—

(I) in clause (i), by inserting ''children with disabilities, underserved or overrepresented children and youth in the child welfare system,'' after ''minority children,''; and

(II) in clause (ii), by striking ''successful'' and inserting ''evidence-based and evidence-informed''; and

(D) in paragraph (3)(A), by striking ''Payments under this subsection shall begin during fiscal year 1989.''; and

(5) in subsection (e)(1), by inserting '', such as through the use of an electronic interstate case processing system'' before the period.

SEC. 234. REPORTS.

The Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 is amended by striking section 204 (42 U.S.C. 5114) and inserting the following:

''SEC. 204. REPORTS.

''(a) REPORT ON THE OUTCOMES OF INDIVIDUALS WHO WERE ADOPTED FROM FOSTER CARE.—Not later than 2 years after the date of enactment of the CAPTA Reauthorization Act of 2020, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor of the House of Representatives a report on research regarding the outcomes of individuals who were adopted from foster care as children, and a summary of the post-adoption services available to families that adopt, including the extent to which such services are evidence-based or evidence-informed.

''(b) REPORT TO CONGRESS.—Not later than 3 years after the date of the enactment of the CAPTA Reauthorization Act of 2020, the Secretary of Health and Human Services shall provide to the Committee on Finance and the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Education and Labor and the Committee on Ways and Means of the House of Representatives a report on adoption disruption and dissolution, including informal custody transfers of children. The Secretary shall include in such report—

''(1) the causes, methods, and characteristics of adoption disruption and dissolution, including how causes, methods, and characteristics may vary for informal custody transfers;

''(2) the effects of adoption disruption and dissolution, including informal custody transfers, on children, including the effect that a lack of assessment of a child's safety and well-being can have on children;

''(3) the prevalence of adoption disruption and dissolution, including the prevalence of informal custody transfers, within each State and across all States; and

''(4) recommended policies for preventing, identifying, and responding to adoption disruption and dissolution, including informal custody transfers, that include—

''(A) changes to Federal and State law to address the negative effects of adoption disruption and dissolution, including the effects of informal custody transfers, on children;

''(B) changes to child protection practices to reduce the likelihood of harmful adoption disruption and dissolution, including informal custody transfers; and

''(C) methods to improve public information regarding adoption and child protection.''.

SEC. 235. AUTHORIZATION OF APPROPRIATIONS.

Section 205 of the Child Abuse Prevention and Treatment and Adoption Reform Act of 1978 (42 U.S.C. 5115) is amended—

(1) in subsection (a)—

(A) by striking ''$40,000,000'' and all that follows through ''2015'' and inserting ''such sums as may be necessary for fiscal years 2020 through 2025''; and

(B) by striking ''this subtitle'' and inserting ''this title''; and

(2) in subsection (b), by striking ''30 percent'' and inserting ''35 percent''.

Subtitle E—Family Violence Prevention and Services

SEC. 241. PURPOSE.

Section 301(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10401(b)) is amended—

(1) in the matter preceding paragraph (1), by striking ''(b)'' and all that follows through ''title to—'' and inserting the following:

''(b) PURPOSE.—It is the purpose of this title to support and improve prevention of,

interventions in, and services for family violence, domestic violence, and dating violence, by—'';

(2) in paragraph (1), by striking ''assist States and Indian tribes'' and inserting ''assisting States and Indian Tribes'';

(3) in paragraph (2), by striking ''assist'' and all that follows through ''immediate'' and inserting ''strengthening the capacity of States and Indian Tribes and Tribal organizations in efforts to provide accessible immediate'';

(4) by striking paragraph (3) and inserting the following:

''(3) providing for national domestic violence hotlines;'';

(5) in paragraph (4)—

(A) by striking ''(4) provide for'' and inserting ''(4) providing'';

(B) by striking ''Indian tribes'' and inserting ''Indian Tribes'';

(C) by striking ''tribal organizations'' and inserting ''Tribal organizations''; and

(D) by striking the period at the end and inserting ''; and''; and

(6) by adding at the end the following:

''(5) supporting the development and implementation of evidence-based and evidence-informed community-based prevention approaches and programs.''.

SEC. 242. DEFINITIONS.

Section 302 of the Family Violence Prevention and Services Act (42 U.S.C. 10402) is amended—

(1) in paragraphs (2) and (3), by striking ''42 U.S.C. 13925(a)'' and inserting ''34 U.S.C. 12291(a)'';

(2) by striking paragraph (5) and inserting the following:

''(5) INDIAN; INDIAN TRIBE; TRIBAL ORGANIZATION.—The terms 'Indian', 'Indian Tribe', and 'Tribal organization' have the meanings given the terms 'Indian', 'Indian tribe', and 'tribal organization' in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).'';

(3) by redesignating paragraphs (6) through (12), and (13) and (14), as paragraphs (7) through (13), and (15) and (16), respectively;

(4) by inserting after paragraph (5) the following:

''(6) INSTITUTION OF HIGHER EDUCATION.—The term 'institution of higher education' has the meaning given such term in section 101 of the Higher Education Act of 1965 (20 U.S.C. 1001).'';

(5) in paragraph (8), as so redesignated, by striking ''42 U.S.C. 13925(a)'' and inserting ''34 U.S.C. 12291(a)'';

(6) in paragraph (10), as so redesignated—

(A) by striking ''State law'' and inserting ''State and Tribal law''; and

(B) by striking ''shelter, safe homes, meals, and supportive services'' and inserting ''shelter, safe homes, meals, and supportive services, which may include the provision of basic necessities,'';

(7) by inserting after paragraph (13), as so redesignated, the following:

''(14) TRIBAL DOMESTIC VIOLENCE COALITION.—The term 'Tribal Domestic Violence Coalition' means an established nonprofit, nongovernmental Indian organization that—

''(A) provides education, support, and technical assistance to member Indian service providers in a manner that enables those member providers to establish and maintain culturally appropriate services, including shelter and supportive services, designed to assist Indian women and the dependents of those women who are victims of family violence, domestic violence, and dating violence; and

''(B) is comprised of board and general members that are representative of—

''(i) the member service providers described in subparagraph (A); and

''(ii) the Tribal communities in which the services are being provided.'';

(8) in paragraph (15), as so redesignated—

(A) by striking ''tribally designated official'' and inserting ''Tribally designated official'';

(B) by striking ''Indian tribe, tribal organization'' and inserting ''Indian Tribe, Tribal organization''; and

(C) by striking ''Indian tribe, to'' and inserting ''Indian Tribe, to''; and

(9) in the first sentence of paragraph (16), as so redesignated, by striking ''42 U.S.C. 13925(a)'' and inserting ''34 U.S.C. 12291(a)''.

SEC. 243. AUTHORIZATION OF APPROPRIATIONS.

Section 303 of the Family Violence Prevention and Services Act (42 U.S.C. 10403) is amended—

(1) in subsection (a)—

(A) in paragraph (1)—

(i) by striking ''There is'' and inserting ''There are''; and

(ii) by striking '', $175,000,000 for each of fiscal years 2011 through 2015.'' and inserting '', amounts consisting of—

''(i) $179,000,000 for fiscal year 2020;

''(ii) $184,000,000 for fiscal year 2021;

''(iii) $188,000,000 for fiscal year 2022;

''(iv) $193,000,000 for fiscal year 2023;

''(v) $198,000,000 for fiscal year 2024; and

''(vi) $203,000,000 for fiscal year 2025.'';

(B) in paragraph (2)(D)—

(i) in the subparagraph heading, by striking ''STATE''; and

(ii) by striking ''Of the amounts appropriated under paragraph (1)'' and all that follows through the period at the end and inserting the following:

''(i) STATE DOMESTIC VIOLENCE COALITIONS.—Of the amounts appropriated under paragraph (1) for a fiscal year and not reserved under subparagraph (A)(i), not less than 10 percent of such amounts shall be made available to the Secretary for making grants under section 311.

''(ii) RESERVATION OF FUNDS FOR TRIBAL DOMESTIC VIOLENCE COALITIONS.—Notwithstanding clause (i), for any fiscal year for which the amount appropriated under paragraph (1) exceeds $185,000,000, a portion of the funds made available to the Secretary under clause (i) shall be reserved for the Secretary to make grants under section 311A.

''(iii) PORTION.—The portion referred to in clause (ii) shall be calculated as 25 percent of the difference between—

''(I) the amount made available under clause (i) to the Secretary for making grants under section 311 for the fiscal year involved; and

''(II) the amount that would have been made available under clause (i) to the Secretary for making grants under section 311 for a fiscal year, if—

''(aa) the amount was calculated using the same percentage reservations under subparagraph (A)(i) and clause (i) as were used for calculating the amount under subclause (I); and

''(bb) the amount appropriated under paragraph (1) for such fiscal year was $185,000,000.'';

(2) in subsection (b), by striking ''$3,500,000 for each of fiscal years 2011 through 2015'' and inserting ''$10,300,000 for each of fiscal years 2020 through 2025''; and

(3) in subsection (c), by striking ''2011 through 2015'' and inserting ''2020 through 2025''.

SEC. 244. AUTHORITY OF SECRETARY.

Section 304 of the Family Violence Prevention and Services Act (42 U.S.C. 10404) is amended—

(1) in subsection (a)—

(A) in paragraph (4), by striking ''CAPTA Reauthorization Act of 2010'' and inserting ''CAPTA Reauthorization Act of 2019''; and

(B) in paragraph (5), by striking ''provision of assistance'' and inserting ''provision of interventions or services''; and

(2) in subsection (b)—

(A) in paragraph (3), by redesignating subparagraphs (A) through (C) as clauses (i) through (iii) and indenting the margins of those clauses to match the margins of clause (i) of section 306(c)(2)(B) of that Act;

(B) by redesignating paragraphs (1) through (4) as subparagraphs (A) through (D) and indenting the margins of those clauses to match the margins of subparagraph (A) of section 306(c)(2) of that Act;

(C) by striking ''The Secretary shall—'' and insert the following: ''The Secretary—

''(1) shall—'';

(D) in paragraph (1), as so redesignated—

(i) in subparagraph (B), as so redesignated, by striking ''prevention and treatment of'' and inserting ''prevention of and services for''; and

(ii) in subparagraph (D), as so redesignated, by striking the period at the end and inserting ''; and''; and

(E) by adding at the end the following:

''(2) may award grants to eligible entities or enter into contracts with for-profit or nonprofit nongovernmental entities or institutions of higher education to conduct or support research, as appropriate, on family violence, domestic violence, or dating violence, or evaluation of programs related to family violence, domestic violence, or dating violence.''.

SEC. 245. FORMULA GRANTS TO STATES.

Section 306(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10406(c)) is amended—

(1) in paragraph (1), by striking ''tribal'' and inserting ''Tribal'';

(2) in paragraph (2)—

(A) in subparagraph (C), in the matter preceding clause (i)—

(i) by striking ''tribe'' each place it appears and inserting ''Tribe''; and

(ii) by striking ''tribally'' and inserting ''Tribally''; and

(B) in subparagraph (D), by striking ''tribe'' and inserting ''Tribe'';

(3) in paragraph (4), by striking ''Indian tribe'' and inserting ''Indian Tribe or Tribal organization'';

(4) in paragraph (5)—

(A) in subparagraphs (D)(i) and (G), by striking ''tribal'' and inserting ''Tribal''; and

(B) in subparagraph (F), by striking ''tribe'' and inserting ''Tribe''; and

(5) in paragraph (6)—

(A) by striking ''tribe'' and inserting ''Tribe''; and

(B) by striking ''tribal'' and inserting ''Tribal''.

SEC. 246. STATE APPLICATION.

(a) APPLICATION.—Section 307(a) of the Family Violence Prevention and Services Act (42 U.S.C. 10407(a)) is amended—

(1) in paragraph (1)—

(A) by striking ''tribally'' and inserting ''Tribally''; and

(B) by adding at the end the following: ''For purposes of section 2007 of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10446), the application described in this section may be considered to be the State plan described in subsection (c)(3) of that section 2007.''; and

(2) in paragraph (2)—

(A) in subparagraph (B)(iii)(I), by striking ''operation of shelters'' and inserting ''provision of shelter'';

(B) in subparagraph (D)—

(i) by striking ''Coalition in the planning'' and inserting ''Coalition, and a Tribal Domestic Violence Coalition as applicable, in the planning, coordination,''; and

(ii) by striking ''section 308(a)'' and inserting ''section 308'';

(C) in subparagraph (E), by striking ''State or Indian tribe'' and inserting ''State, Indian Tribe, or Tribal organization'' in both places it occurs;

(D) in subparagraph (F),—

(i) by striking State or Indian tribe'' and inserting ''State, Indian Tribe, or Tribal organization''; and

(ii) by inserting after ''including'' the following- ''how such activities and services utilize a trauma-informed care approach, as appropriate, and'';

(E) in subparagraph (G)—

(i) by striking ''tribally'' and inserting ''Tribally''; and

(ii) by striking ''tribe'' each place it appears and inserting ''Tribe''; and

(F) in subparagraph (H)—

(i) by striking ''tribe'' and inserting ''Tribe''; and

(ii) by striking ''to bar'' and inserting ''to remove, or exclude or bar,''.

(b) APPROVAL.—Section 307(b) of such Act (42 U.S.C. 10407(b)) is amended—

(1) in paragraph (2), by striking ''tribe'' each place the term appears and inserting ''Tribe'';

(2) in paragraph (3)—

(A) by striking ''State Domestic Violence Coalitions, or comparable coalitions for Indian tribes, shall'' and inserting ''State Domestic Violence Coalitions or Tribal Domestic Violence Coalitions shall''; and

(B) by striking ''tribes'' and inserting ''Tribes''.

SEC. 247. SUBGRANTS AND USES OF FUNDS.

Section 308 of the Family Violence Prevention and Services Act (42 U.S.C. 10408) is amended—

(1) in subsection (a), by striking ''that is'' and inserting ''that are'';

(2) in subsection (b)(1)—

(A) in subparagraph (B), by striking ''developing safety plans'' and inserting ''safety planning''; and

(B) in subparagraph (G)—

(i) by striking the matter preceding clause (i) and inserting the following:

''(G) provision of advocacy and services (including case management and information and referral services), which may include facilitating partnerships that improve the development and delivery of services referred to in this subparagraph concerning issues related to family violence, domestic violence, or dating violence intervention and prevention, including—'';

(ii) in clause (i), by striking ''Federal and State'' and inserting ''Federal, State, and local'';

(iii) in clause (iii), by striking ''mental health, alcohol, and drug abuse treatment'' and inserting ''mental and substance use disorder treatment'';

(iv) in clause (v), by striking ''and'' at the end; and

(v) by adding at the end the following:

''(vii) language assistance for victims with limited English proficiency, or victims who are deaf or hard of hearing; and'';

(3) in subsection (c)(1), by striking ''tribal organizations,'' and inserting ''Tribal organizations,''; and

(4) in subsection (d)(1), in the paragraph heading, by striking ''DEPENDANTS'' and inserting ''DEPENDENTS''.

SEC. 248. GRANTS FOR INDIAN TRIBES.

Section 309 of the Family Violence Prevention and Services Act (42 U.S.C. 10409) is amended—

(1) in subsection (a)—

(A) by striking ''tribal'' and inserting ''Tribal''; and

(B) by striking ''(42'' and all that follows through ''tribes'' and inserting ''(34 U.S.C. 20126), shall continue to award grants for Indian Tribes''; and

(2) in subsection (b)—

(A) by striking ''tribe'' each place it appears and inserting ''Tribe''; and

(B) by striking ''tribal organization'' each place it appears and inserting ''Tribal organization''.

SEC. 249. NATIONAL RESOURCE CENTERS AND TRAINING AND TECHNICAL ASSISTANCE.

(a) GRANTS AUTHORIZED.—Section 310(a)(2) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(a)(2)) is amended—

(1) in subparagraph (A)—

(A) in clause (i), by striking ''and'' at the end;

(B) in clause (ii), by striking ''7'' and inserting ''8''; and

(C) by adding at the end the following:

''(iii) at least one State resource center to reduce disparities in domestic violence in States with high proportions of Indian (including Alaska Native) or Native Hawaiian populations (as provided for in subsection (b)(3)); and''; and

(2) in subparagraph (B)—

(A) by striking ''grants, to—'' and all that follows through ''(ii) support'' and inserting ''grants, to support''; and

(B) by inserting before '', to entities'' the following: '', including the housing needs of domestic violence victims and their families''.

(b) DOMESTIC VIOLENCE RESOURCE CENTERS.—Section 310(b) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(b)) is amended—

(1) in paragraph (1)—

(A) in subparagraph (A)(ii)—

(i) in the matter preceding subclause (I), by inserting '', which may be posted on the Internet,'' after ''center resource library''; and

(ii) in subclause (I), by striking ''incidence and'' and inserting ''incidence and prevalence of, trends concerning, and''; and

(B) in subparagraph (B)—

(i) in clause (i)—

(I) by striking ''tribes'' each place it appears and inserting ''Tribes'';

(II) by striking ''tribal organizations'' and inserting ''Tribal organizations''; and

(III) by striking ''42'' and all the follows through ''3796gg–10 note'' and inserting ''34 U.S.C. 10452 note'';

(ii) in clause (ii)—

(I) by striking ''tribes'' and inserting ''Tribes'';

(II) by striking ''tribal organizations'' and inserting ''Tribal organizations''; and

(III) by striking ''42'' and all the follows through ''3796gg–10 note'' and inserting ''34 U.S.C. 10452 note''; and

(iii) in clause (iii), by striking ''the Office on Violence Against Women'' and inserting ''the Office for Victims of Crime, and the Office on Violence Against Women,'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A), in the first sentence, by inserting before the period the following: ''in order to support effective policy, practice, research, and collaboration''; and

(B) in subparagraph (D)—

(i) by striking ''mental health systems'' and inserting ''mental and substance use disorder treatment systems''; and

(ii) by striking ''and to their children who are exposed to domestic violence'' and inserting '', and to their children, who experience psychological trauma that is, or have mental or substance use disorders that are, related to their exposure to domestic violence; and'';

(C) by redesignating subparagraph (E) as subparagraph (F); and

(D) by inserting after subparagraph (D) the following:

''(E) The response of domestic violence service programs to victims who are underserved, including enhancing the capacity of related organizations generally serving those victims to respond to and prevent domestic violence.'';

(3) in paragraph (3)—

(A) in subparagraph (A)—

(i) by striking ''may award grants to'' and inserting ''shall award grants to one or more''; and

(ii) by striking ''Indian tribes, tribal organizations'' and inserting ''Indian Tribes, Tribal organizations,'';

(B) in subparagraph (B)(i)—

(i) by striking ''Indian tribes, tribal organizations, and'' and inserting ''Indian Tribes or Tribal organizations, and'' and

(ii) by striking ''tribes, organizations,'' and inserting ''Tribes, organizations,''; and

(4) by adding at the end the following:

''(4) CLARIFICATION.—Within available funds, the Secretary shall continue to support the resource centers funded for purposes pursuant to paragraphs (2) and (3) in fiscal year 2019.''.

(c) ELIGIBILITY.—Section 310(c) of the Family Violence Prevention and Services Act (42 U.S.C. 10410(c)) is amended—

(1) in paragraph (1)—

(A) in the matter preceding subparagraph (A), by striking ''(C), or (D)'' and inserting ''(C), (D), (E), or (F)''; and

(B) in subparagraph (B)—

(i) by striking ''entity's advisory board'' and inserting ''entity's Board of Directors or advisory committees''; and

(ii) by inserting before the semicolon the following '', and reflect or have experience working with the communities to be served through the center involved'';

(2) in paragraph (2)—

(A) in the matter preceding subparagraph (A)—

(i) by striking ''tribal organization'' and inserting ''Tribal organization''; and

(ii) by striking ''Indian tribes'' and inserting ''Indian Tribes'';

(B) in subparagraph (A)—

(i) by striking ''Indian tribes and tribal organizations'' and inserting ''Indian Tribes and Tribal organizations''; and

(ii) by striking ''42'' and all that follows through ''3796gg–10 note'' and inserting ''34 U.S.C. 10452 note'';

(C) in subparagraph (B)—

(i) by striking ''Indian tribes and tribal organizations'' and inserting ''Indian Tribes and Tribal organizations'';

(ii) by striking ''tribally'' and inserting ''Tribally''; and

(iii) by striking ''42'' and all that follows through ''3796gg–10 note'' and inserting ''34 U.S.C. 10452 note'';

(D) in subparagraph (C), by striking ''tribes'' and inserting ''Tribes'';

(E) in subparagraph (D), by striking ''Indian tribes and tribal organizations'' and inserting ''Indian Tribes and Tribal organizations''; and

(F) in subparagraph (E), by striking ''tribes'' and inserting ''Tribes'';

(3) in paragraph (3), in the matter preceding subparagraph (A), by striking ''subsection (b)(2)(E)'' and inserting ''subsection (b)(2)(F)''; and

(4) in paragraph (4)—

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

''(ii) be—

''(I) an Indian Tribe, Tribal organization, or Native Hawaiian organization with experience providing assistance in developing prevention and intervention services that focus primarily on issues of domestic violence among Indians (including Alaska Natives) or Native Hawaiians; or

''(II) an institution of higher education; and''; and

(B) in subparagraph (B), by striking ''underdeveloped'' and inserting ''underserved''.

SEC. 250. GRANTS TO STATE DOMESTIC VIOLENCE COALITIONS.

Section 311 of the Family Violence Prevention and Services Act (42 U.S.C. 10411) is amended—

(1) in subsection (b)(1)—

(A) by inserting ''and made available to carry out this section'' before ''for each fiscal year''; and

(B) by inserting ''and made available'' before ''for such fiscal year'';

(2) in subsection (d)—

(A) in paragraph (4), by striking ''mental health, social welfare, or business'' and inserting ''mental and substance use disorders, social welfare, education, or business''; and

(B) in paragraph (8), by striking ''tribes and tribal organizations'' and inserting ''Tribes and Tribal organizations''; and

(3) in subsection (h), by striking ''tribes and tribal organizations'' and inserting ''Tribes and Tribal organizations''.

SEC. 251. GRANTS TO TRIBAL DOMESTIC VIOLENCE COALITIONS.

The Family Violence Prevention and Services Act is amended by inserting after section 311 (42 U.S.C. 10411) the following:

''SEC. 311A. GRANTS TO TRIBAL DOMESTIC VIOLENCE COALITIONS.

''(a) GRANTS AUTHORIZED.—Beginning with fiscal year 2020, out of amounts appropriated under section 303 and made available to carry out this section for a fiscal year, the Secretary shall award grants to eligible entities in accordance with this section.

''(b) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall be a Tribal Domestic Violence Coalition that is recognized by the Office on Violence Against Women of the Department of Justice and that provides services to Indian Tribes.

''(c) APPLICATION.—Each Tribal Domestic Violence Coalition desiring a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may require. The application submitted by the coalition for the grant shall provide documentation of the coalition's work, demonstrating that the coalition—

''(1) meets all the applicable requirements set forth in this section; and

''(2) has the ability to conduct all activities described in this section, as indicated by—

''(A) documented experience in administering Federal grants to conduct the activities described in subsection (d); or

''(B) a documented history of activities to further the purposes of this section set forth in subsection (d).

''(d) USE OF FUNDS.—A Tribal Domestic Violence Coalition that receives a grant under this section may use the grant funds for administration and operation of activities to further the purposes of preventing and addressing family violence, domestic violence, and dating violence, including—

''(1) working with local Tribal family violence, domestic violence, or dating violence service programs and providers of direct services to encourage appropriate and comprehensive responses to family violence, domestic violence, and dating violence against adults or youth within the Indian Tribes served, including working by providing training and technical assistance and conducting Tribal needs assessments;

''(2) participating in planning and monitoring the distribution of subgrants and subgrant funds within the State under section 308(a);

''(3) working in collaboration with Tribal service providers and community-based organizations to address the needs of victims of family violence, domestic violence, and dating violence, and their children and dependents;

''(4) collaborating with, and providing information to, entities in such fields as housing, health care, mental and substance use disorders, social welfare, education, and law enforcement to support the development and implementation of effective policies;

''(5) supporting the development and implementation of effective policies, protocols, legislation, codes, and programs that address the safety and support needs of adult and youth Tribal victims of family violence, domestic violence, or dating violence;

''(6) encouraging appropriate responses to cases of family violence, domestic violence, or dating violence against adults or youth, by working with Tribal, State, and Federal judicial agencies and law enforcement agencies;

''(7) working with Tribal, State, and Federal judicial systems (including family law judges and criminal court judges), child protective service agencies, and children's advocates to develop appropriate responses to child custody and visitation issues—

''(A) in cases of child exposure to family violence, domestic violence, or dating violence; or

''(B) in cases in which—

''(i) family violence, domestic violence, or dating violence is present; and

''(ii) child abuse is present;

''(8) providing information to the public about prevention of family violence, domestic violence, and dating violence within Indian Tribes; and

''(9) carrying out other activities, as the Secretary determines applicable and appropriate.''.

SEC. 252. SPECIALIZED SERVICES FOR ABUSED PARENTS AND THEIR CHILDREN.

Section 312 of the Family Violence Prevention and Services Act (42 U.S.C. 10412) is amended—

(1) in subsection (a)(2), by striking ''2 years'' each place it appears and inserting ''3 years''; and

(2) in subsection (b)—

(A) by striking ''local agency'' and inserting ''State, local, or Tribal agency'' ; and

(B) by striking ''tribal'' and inserting ''Tribal'';

(3) in subsection (c)(2), by inserting before the semicolon '', which such services shall utilize trauma-informed care approaches, as appropriate, and may include supporting the caregiving capacity of adult victims''; and

(4) in subsection (d)(2)—

(A) in subparagraph (A), by striking ''mental health'' and inserting ''mental and substance use disorder''; and

(B) in subparagraph (C), by adding ''and referrals'' before the period at the end; and

(5) by adding at the end the following:

''(f) DEFINITION.—In this section, the term 'child' includes a youth under age 18.''.

SEC. 253. NATIONAL DOMESTIC VIOLENCE HOTLINE GRANT.

Section 313 of the Family Violence Prevention and Services Act (42 U.S.C. 10413) is amended—

(1) in subsection (a)—

(A) by striking ''(a)'' and all that follows through the end of the first sentence and inserting the following:

''(a) GRANTS.—

''(1) IN GENERAL.—The Secretary shall award grants to 1 or more private entities to provide for the ongoing operation of toll-free telephone hotlines, including hotlines that utilize other available communication technologies, as appropriate, for the purposes of providing information and assistance to adult and youth victims of family violence, domestic violence, or dating violence, family and household members of such victims, and persons affected by the victimization. Through such grants, the Secretary shall provide for—

''(A) the ongoing operation of a 24-hour, toll-free, national hotline; and

''(B) the ongoing operation of a toll-free hotline for Indians, Indian Tribes, and Tribal organizations.''; and

(B) in the second sentence, by striking ''The Secretary'' and inserting the following:

''(2) PRIORITY.—The Secretary'';

(2) in subsection (d)—

(A) in paragraph (2)—

(i) in the matter preceding subparagraph (A), by striking ''national'';

(ii) in subparagraph (E), by striking ''callers'' and inserting ''individuals contacting the hotline'';

(iii) in subparagraph (F), by striking ''persons with hearing impairments; and'' and inserting ''individuals with disabilities, including training for hotline personnel to support such access;'';

(iv) in subparagraph (G), by striking the semicolon at the end and inserting ''; and''; and

(v) by adding at the end the following:

''(H) a plan for utilizing other available communications technologies, as appropriate;'';

(B) in paragraph (5), by striking ''callers, directly connect callers'' and inserting ''individuals contacting the hotline, directly connect such individuals''; and

(C) in paragraph (6), by inserting ''appropriate'' before ''services to underserved''; and

(3) in subsection (e)—

(A) in paragraph (1), by striking ''hotline to'' and inserting ''hotline under subsection (a)(1)(A), or a toll-free telephone hotline under subsection (a)(1)(B), to''; and

(B) in paragraph (2)—

(i) in subparagraph (B), by striking ''callers on a 24-hour-a-day basis, and directly connect callers'' and inserting ''individuals contacting the hotline, and directly connect such individuals'';

(ii) in subparagraph (C), by striking ''callers'' and inserting ''individuals''; and

(iii) by striking subparagraph (D) and inserting the following:

''(D) shall widely publicize the hotline, and other available communications technologies utilized by the hotline, as appropriate, in accessible formats, including formats accessible to individuals with disabilities, as appropriate;''.

SEC. 254. DOMESTIC VIOLENCE PREVENTION ENHANCEMENT AND LEADERSHIP THROUGH ALLIANCES.

Section 314 of the Family Violence Prevention and Services Act (42 U.S.C. 10414) is amended—

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

''(a) IN GENERAL.—The Secretary, acting through the Director of the Centers for Disease Control and Prevention, shall enter into cooperative agreements with State Domestic Violence Coalitions, which may partner with local entities carrying out programs, to—

''(1) build capacity at the organizational, State, Tribal, or local level for primary and secondary prevention of family violence, domestic violence, and dating violence; or

''(2) scale up, or replicate, evidence-based, evidence-informed, or promising primary prevention strategies and models to prevent family violence, domestic violence, and dating violence.'';

(2) in subsection (d)—

(A) in paragraph (1), by inserting ''or Tribal Domestic Violence Coalition'' before the semicolon; and

(B) in paragraph (2)—

(i) in subparagraph (A), by striking ''and State or local health departments'';

(ii) in subparagraph (D), by inserting '', including the juvenile justice system'' before the semicolon;

(iii) in subparagraph (G), by striking ''and'' at the end; and

(iv) by striking subparagraph (H) and inserting the following:

''(H) community-based organizations, including those serving racial and ethnic minority populations;

''(I) child- and youth-serving organizations;

''(J) health departments and public health organizations; and

''(K) other pertinent sectors.'';

(3) in subsection (e)—

(A) by redesignating paragraphs (1) through (5), and paragraph (6), as paragraphs (2) through (6), and paragraph (8), respectively;

(B) by inserting before paragraph (2), as so redesignated, the following:

''(1) in the case of an applicant applying for a grant under the authority of subsection (a)(2), identifies comprehensive evidence-based, evidence-informed, or promising primary prevention strategies and models to be used and partner organizations who will develop, expand, or replicate programs to prevent family violence, domestic violence, or dating violence;'';

(C) in paragraph (3), as so redesignated, by inserting '', including underserved populations'' before the semicolon;

(D) in paragraph (6), as so redesignated, by striking ''and'' at the end; and

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

''(7) demonstrates that the applicant will build organizational and statewide capacity, as applicable, for primary and secondary prevention of family violence, domestic violence, and dating violence; and'';

(4) in subsection (f), by striking ''organizations in States geographically dispersed'' and inserting ''organizations in States or Indian-serving organizations that, collectively, are geographically dispersed'';

(5) in subsection (g)—

(A) in paragraph (2)(A), by inserting before the semicolon the following: '', which may include facilitating the provision of technical assistance from other grantees that enter into a cooperative agreement under subsection (a)''; and

(B) in paragraph (3)—

(i) in subparagraph (C), by inserting ''as applicable,'' after ''communities,'';

(ii) in subparagraph (D)—

(I) in the matter preceding clause (i), by striking ''conduct comprehensive, evidence-informed primary prevention programs'' and inserting ''implement evidence-based, evidence-informed primary prevention programs''; and

(II) in clause (vi), by inserting ''prevention strategies and'' before ''information'';

(iii) in subparagraph (E)—

(I) by striking ''utilize evidence-informed'' and inserting ''implement evidence-based or evidence-informed''; and

(II) by striking ''; and'' and inserting a semicolon;

(iv) in subparagraph (F), by striking the period at the end and inserting ''; and''; and

(v) by adding at the end the following:

''(G) use an amount (subject to subsection (j)) that is not less than 30 percent of the funds awarded through such agreement (excluding funds awarded for the initial year of the agreement) to subcontract with local family violence and domestic violence programs, or other community-based programs, to develop and implement such project.''; and

(6) by adding at the end the following:

''(i) TRAINING AND DISSEMINATION OF INFORMATION.—Not later than one year after the date of enactment of the CAPTA Reauthorization Act of 2020, and at least annually thereafter, the Secretary, acting through the Director of the Centers for Disease Control and Prevention, in consultation with the Assistant Secretary of the Administration for Children and Families, shall disseminate information, including information related to training, to State domestic violence coalitions, and other stakeholders, related to building organizational capacity and leadership in the fields of primary and secondary prevention of family violence, domestic violence, and dating violence.

''(j) MINIMUM AMOUNT FOR SUBCONTRACTING.—The Secretary may, as appropriate, reduce the percentage described in subsection (g)(3)(G) that an organization that enters into a cooperative agreement under this section is required to use in accordance with such subsection to a percentage not less than 25 percent.''.

SEC. 255. GRANTS TO ENHANCE SERVICES FOR UNDERSERVED COMMUNITIES.

The Family Violence Prevention and Services Act (42 U.S.C. 10401 et seq.) is further amended by adding at the end the following:

''SEC. 315. GRANTS TO ENHANCE SERVICES FOR UNDERSERVED COMMUNITIES.

''(a) IN GENERAL.—The Secretary shall, as appropriate, award grants to eligible entities to assist communities in preventing and addressing family violence, domestic violence, and dating violence in underserved communities.

''(b) USE OF FUNDS.—In carrying out subsection (a), the Secretary shall award grants to eligible entities for supporting programs based in underserved communities to establish or enhance family violence, domestic violence, and dating violence intervention and prevention efforts that address family violence, domestic violence, and dating violence in underserved communities, including by providing culturally appropriate services, as appropriate.

''(c) APPLICATION.—An eligible entity seeking a grant under this section shall submit an application to the Secretary at such time, in such manner, and containing such information as the Secretary may reasonably require. Such application shall include—

''(1) a description of how the funds of the grant will be used to support culturally-appropriate, community-based programs providing access to shelter or supportive services, including for activities related to planning, prevention, and capacity building;

''(2) an assessment of any barriers that prevent underserved individuals or communities from accessing other resources to prevent and address family violence, domestic violence, and dating violence and a description of how the entity intends to address such barriers; and

''(3) a demonstration of the ability of the entity to establish, or work with, other community-based organizations and coalitions.

''(d) TECHNICAL ASSISTANCE AND TRAINING.—The Secretary may enter into cooperative agreements or contracts with organizations to provide training and technical assistance to eligible entities receiving grants under this section, as appropriate.

''(e) ELIGIBLE ENTITIES.—To be eligible to receive a grant under this section, an entity shall—

''(1) be a private nonprofit, nongovernmental organization that is—

''(A) a community-based organization that provides culturally appropriate services to victims of family violence, domestic violence, or dating violence from underserved communities, which may include an organization whose primary purpose is providing culturally appropriate services to victims of family violence, domestic violence, or dating violence from specific underserved communities; or

''(B) a community-based organization that can partner with an organization having demonstrated expertise in serving victims of family violence, domestic violence, or dating violence; and

''(2) have a board of directors and staff which are reflective of, or have experience working with, the communities in which the entity will provide services through a grant under this section.

''(f) TERM.—The Secretary shall award grants under this section for a period of 3 years, and may extend such period for not more than 2 years, as appropriate.

''(g) REPORTS AND EVALUATION.—Each eligible entity receiving a grant under this section shall submit a report to the Secretary, at such time as the Secretary shall reasonably require, describing the activities carried out using the funds of such grant, identifying progress towards achieving performance measures, and providing such additional information as the Secretary may reasonably require.

''(h) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated to carry out this section such sums as may be necessary for each of fiscal years 2020 through 2025.''.

SA 2535. Mrs. CAPITO (for herself and Ms. COLLINS) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—

DEPARTMENT OF HEALTH AND HUMAN SERVICES

SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION

HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for ''Health Surveillance and Program Support'', $4,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, $1,500,000,000 shall be for grants for the substance abuse prevention and treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act (''PHS Act''): *Provided further*, That of the amount appropriated under this heading in this Act, $2,000,000,000 shall be for grants for the community mental health services block grant program under subpart I of part B of title XIX of the PHS Act: *Provided further*, That of the amount appropriated in the previous proviso, the Assistant Secretary is directed to provide no less than 50 percent of funds directly to facilities defined in section 1913(c) of the PHS Act: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $600,000,000 is available for Certified Community Behavioral Health Clinic Expansion Grant program: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $50,000,000 shall be available for suicide prevention programs:

Provided further, That of the amount appropriated under this heading in this Act, $100,000,000 shall be for activities and services under Project AWARE: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $250,000,000 is available for activities authorized under section 501(o) of the PHS Act: *Provided further*, That from within the amount appropriated under this heading in this Act in the previous provisos, a total of not less than $15,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral health service providers to tribes: *Provided further*, That with respect to the amount appropriated under this heading in this Act the Substance Abuse and Mental Health Services Administration may waive requirements with respect to allowable activities, timelines, or reporting requirements for the Substance Abuse Prevention and Treatment Block Grant and the Community Mental Health Services Block Grant as deemed necessary to facilitate a grantee's response to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2536. Mrs. CAPITO (for herself and Ms. COLLINS) submitted an amendment intended to be proposed by her to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—
DEPARTMENT OF HEALTH AND HUMAN SERVICES
SUBSTANCE ABUSE AND MENTAL HEALTH SERVICES ADMINISTRATION
HEALTH SURVEILLANCE AND PROGRAM SUPPORT

For an additional amount for ''Health Surveillance and Program Support'', $4,500,000,000, to remain available through September 30, 2021, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That of the amount appropriated under this heading in this Act, $1,500,000,000 shall be for grants for the substance abuse prevention and treatment block grant program under subpart II of part B of title XIX of the Public Health Service Act (''PHS Act''): *Provided further*, That of the amount appropriated under this heading in this Act, $2,000,000,000 shall be for grants for the community mental health services block grant program under subpart I of part B of title XIX of the PHS Act: *Provided further*, That of the amount appropriated in the previous proviso, the Assistant Secretary is directed to provide no less than 50 percent of funds directly to facilities defined in section 1913(c) of the PHS Act: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $600,000,000 is available for Certified Community Behavioral Health Clinic Expansion Grant program: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $50,000,000 shall be available for suicide prevention programs: *Provided further*, That of the amount appropriated under this heading in this Act, $100,000,000 shall be for activities and services under Project AWARE: *Provided further*, That of the amount appropriated under this heading in this Act, not less than $250,000,000 is available for activities authorized under section 501(o) of the PHS Act: *Provided further*, That from within the amount appropriated under this heading in this Act in the previous provisos, a total of not less than $15,000,000 shall be allocated to tribes, tribal organizations, urban Indian health organizations, or health or behavioral health service providers to tribes: *Provided further*, That with respect to the amount appropriated under this heading in this Act the Substance Abuse and Mental Health Services Administration may waive requirements with respect to allowable activities, timelines, or reporting requirements for the Substance Abuse Prevention and Treatment Block Grant and the Community Mental Health Services Block Grant as deemed necessary to facilitate a grantee's response to coronavirus: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2537. Mr. DAINES submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ____. SMALL BUSINESS LOCAL RELIEF PROGRAM.

(a) DEFINITIONS.—In this section:

(1) ADMINISTRATOR.—The term ''Administrator'' means the Administrator of the Small Business Administration.

(2) ELIGIBLE ENTITY.—

(A) IN GENERAL.—The term ''eligible entity''—

(i) means a privately-held business entity or nonprofit organization that, taking into consideration the principles under section 121.301(f) of title 13, Code of Federal Regulations, or any successor regulation—

(I) employs—

(aa) not more than 20 full-time equivalent employees; or

(bb) if the entity or organization is located in a low-income community, not more than 50 full-time equivalent employees;

(II) has experienced a loss of revenue as a result of the COVID–19 pandemic, according to criteria established by the Secretary; and

(III) with respect to such an entity or organization that receives assistance from a small business emergency fund, satisfies additional requirements, as determined by the State, unit of general local government, Indian Tribe, or other entity that has established the small business emergency fund;

(ii) includes an individual who operates under a sole proprietorship, an individual who operates as an independent contractor, and an eligible self-employed individual if such an individual has experienced a loss of revenue as a result of the COVID–19 pandemic, according to criteria established by the Secretary; and

(iii) does not include an issuer, the securities of which are listed on a national securities exchange.

(B) TREATMENT OF CERTAIN CRIMINAL VIOLATIONS.—

(i) ARRESTS OR CONVICTIONS.—Except as provided in clause (ii), the term ''eligible entity'' includes—

(I) a privately-held business entity or nonprofit organization that meets the requirements under subparagraph (A)(i) notwithstanding any arrest or conviction under Federal, State, or Tribal law of an owner of not less than 20 percent of the equity of the entity or organization, unless the owner is incarcerated on the date on which the entity or organization applies for assistance made available under this section; and

(II) an individual who meets the requirements under subparagraph (A)(ii) notwithstanding an arrest or conviction under Federal, State, or Tribal law of the individual, unless the individual is incarcerated on the date on which the individual applies for assistance made available under this section.

(ii) FINANCIAL FRAUD OR DECEPTION.—Notwithstanding clause (i), the term ''eligible entity'' does not include—

(I) a privately-held business entity or nonprofit organization if, during the 5-year period preceding the date on which the business or organization applies for assistance made available under this section, an owner of not less than 20 percent of the equity of the entity or organization was convicted of an offense involving financial fraud or deception under Federal, State, or Tribal law that is punishable by imprisonment for a term of more than 1 year; or

(II) an individual if, during the 5-year period preceding the date on which the individual applies for assistance made available under this section, the individual was convicted of an offense involving financial fraud or deception under Federal, State, or Tribal law that is punishable by imprisonment for a term of more than 1 year.

(3) ELIGIBLE SELF-EMPLOYED INDIVIDUAL.—The term ''eligible self-employed individual'' has the meaning given the term in section 7(a)(36)(A) of the Small Business Act (15 U.S.C. 636(a)(36)(A)).

(4) ENTITLEMENT COMMUNITY.—The term ''entitlement community'' means a metropolitan city or urban county, as those terms are defined in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(5) EXCHANGE; ISSUER; SECURITY.—The terms ''exchange'', ''issuer'', and ''security'' have the meanings given the terms in section 3(a) of the Securities Exchange Act of 1934 (15 U.S.C. 78c(a)).

(6) FULL-TIME EQUIVALENT EMPLOYEES.—

(A) IN GENERAL.—The term ''full-time equivalent employees'' means a number of employees equal to the number determined by dividing—

(i) the total number of hours of service for which wages were paid by the employer to employees during the taxable year; by

(ii) 2,080.

(B) ROUNDING.—The number determined under subparagraph (A) shall be rounded to the next lowest whole number if not otherwise a whole number.

(C) EXCESS HOURS NOT COUNTED.—If an employee works in excess of 2,080 hours of service during any taxable year, such excess shall not be taken into account under subparagraph (A).

(D) HOURS OF SERVICE.—The Secretary, in consultation with the Secretary of Labor, shall prescribe such regulations, rules, and guidance as may be necessary to determine the hours of service of an employee, including rules for the application of this paragraph to employees who are not compensated on an hourly basis.

(7) INDIAN TRIBE.—The term ''Indian Tribe'' has the meaning given the term ''Indian tribe'' in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(8) LOW-INCOME COMMUNITY.—The term ''low-income community'' has the meaning given the term in section 45D(e) of the Internal Revenue Code of 1986.

(9) MINORITY.—The term ''minority'' has the meaning given the term in section 1204(c)(3) of the Financial Institutions Reform, Recovery, and Enforcement Act of 1989 (12 U.S.C. 1811 note).

(10) MINORITY-OWNED ENTITY.—The term ''minority-owned entity'' means an entity—

(A) more than 50 percent of the ownership or control of which is held by not less than 1 minority; and

(B) more than 50 percent of the net profit or loss of which accrues to not less than 1 minority.

(11) NATIONAL SECURITIES EXCHANGE.—The term ''national securities exchange'' means an exchange that is registered under section 6 of the Securities Exchange Act of 1934 (15 U.S.C. 78f).

(12) NONENTITLEMENT AREA; STATE; UNIT OF GENERAL LOCAL GOVERNMENT.—

(A) IN GENERAL.—Except as provided in subparagraph (B), the terms ''nonentitlement area'', ''State'', and ''unit of general local government'' have the meanings given those terms in section 102 of the Housing and Community Development Act of 1974 (42 U.S.C. 5302).

(B) STATE.—For purposes of subparagraphs (A)(ii) and (B)(ii) of subsection (c)(1), the term ''State'' means any State of the United States.

(13) PROGRAM.—The term ''Program'' means the Small Business Local Relief Program established under this section.

(14) SECRETARY.—The term ''Secretary'' means the Secretary of the Treasury.

(15) SMALL BUSINESS EMERGENCY FUND.—The term ''small business emergency fund'' means a fund or program—

(A) established by a State, a unit of general local government, an Indian Tribe, or an entity designated by a State, unit of general local government, or Indian Tribe; and

(B) that provides or administers financing to eligible entities (including any particular class or category of eligible entities determined appropriate by the entity establishing the fund or program) in the form of grants, low-interest loans, or other means in accordance with the needs of eligible entities and the capacity of the fund or program.

(16) WOMEN-OWNED ENTITY.—The term ''women-owned entity'' means an entity—

(A) more than 50 percent of the ownership or control of which is held by not less than 1 woman; and

(B) more than 50 percent of the net profit or loss of which accrues to not less than 1 woman.

(b) ESTABLISHMENT.—There is established in the Department of the Treasury the Small Business Local Relief Program, the purpose of which is to allocate resources to States, units of general local government, and Indian Tribes to provide assistance to eligible entities and organizations that assist eligible entities.

(c) FUNDING.—

(1) FUNDING TO STATES, LOCALITIES, AND INDIAN TRIBES.—

(A) IN GENERAL.—Of the amounts made available to carry out the Program under subsection (i), the Secretary shall allocate—

(i) $35,000,000,000 to States and units of general local government in accordance with subparagraph (B)(i);

(ii) $15,000,000,000 to States in accordance with subparagraph (B)(ii); and

(iii) $500,000,000 to the Secretary of Housing and Urban Development for allocations to Indian Tribes in accordance with subparagraph (B)(iii).

(B) ALLOCATIONS.—

(i) FORMULA FOR STATES AND UNITS OF GENERAL LOCAL GOVERNMENT.—Of the amount allocated under subparagraph (A)(i)—

(I) 70 percent shall be allocated to entitlement communities in accordance with the formula under section 106(b) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(b)); and

(II) 30 percent shall be allocated to States, for use in nonentitlement areas, in accordance with the formula under section 106(d)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)(1)).

(ii) RURAL BONUS FORMULA FOR STATES.—The Secretary shall allocate the amount allocated under subparagraph (A)(ii) to States, for use in nonentitlement areas, in accordance with the formula under section 106(d)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)(1)).

(iii) COMPETITIVE AWARDS TO INDIAN TRIBES.—

(I) IN GENERAL.—The Secretary of Housing and Urban Development shall allocate to Indian Tribes on a competitive basis the amount allocated under subparagraph (A)(iii).

(II) REQUIREMENTS.—In making allocations under subclause (I), the Secretary of Housing and Urban Development shall, to the greatest extent practicable, ensure that each Indian Tribe that satisfies requirements established by the Secretary of Housing and Urban Development receives such an allocation.

(C) STATE ALLOCATIONS FOR NONENTITLEMENT AREAS.—

(i) EQUITABLE ALLOCATION.—To the greatest extent practicable, a State shall allocate amounts for nonentitlement areas under clauses (i)(II) and (ii) of subparagraph (B) on an equitable basis.

(ii) DISTRIBUTION OF AMOUNTS.—

(I) DISCRETION.—Not later than 14 days after the date on which a State receives amounts for use in a nonentitlement area under clause (i)(II) or (ii) of subparagraph (B), the State shall—

(aa) distribute the amounts, or a portion thereof, to a unit of general local government located in the nonentitlement area, or an entity designated thereby, that has established or will establish a small business emergency fund, for use under paragraph (2); or

(bb) elect to reserve the amounts, or a portion thereof, for use by the State under paragraph (2) for the benefit of eligible entities located in the nonentitlement area.

(II) UNITS OF GENERAL LOCAL GOVERNMENT WITH SMALL BUSINESS EMERGENCY FUNDS.—In distributing amounts under subclause (I), in the case of amounts allocated for a nonentitlement area in which a unit of general local government or an entity designated thereby has established a small business emergency fund and has demonstrated an ability to administer that fund efficiently and effectively, a State shall, as quickly as is practicable, distribute an equitable amount to that unit of general local government or entity, respectively, as described in item (aa) of that subclause.

(iii) TREATMENT OF STATES NOT ACTING AS PASS-THROUGH AGENTS UNDER CDBG.—The Secretary shall allocate amounts to a State under this paragraph without regard to whether the State has elected to distribute amounts allocated under section 106(d)(1) of the Housing and Community Development Act of 1974 (42 U.S.C. 5306(d)(1)).

(2) USE OF FUNDS.—

(A) IN GENERAL.—A State, unit of general local government, entity designated by a unit of general local government, or Indian Tribe that receives an allocation under paragraph (1), whether directly or indirectly, may use that allocation—

(i) to provide funding to a small business emergency fund established by that State (or entity designated thereby), that unit of general local government (or entity designated thereby), that entity designated by a unit of general local government, or that Indian Tribe (or entity designated thereby), respectively;

(ii) to provide funding to support organizations that provide technical assistance to eligible entities; or

(iii) subject to subparagraph (B), to pay for administrative costs incurred by that State (or entity designated thereby), that unit of general local government (or entity designated thereby), that entity designated by a unit of general local government, or that Indian Tribe (or entity designated thereby), respectively, in establishing and administering a small business emergency fund.

(B) LIMITATION.—A State, unit of general local government, entity designated by a unit of general local government, or Indian Tribe may not use more than 3 percent of an allocation received under paragraph (1) for a purpose described in subparagraph (A)(iii) of this paragraph.

(C) OBLIGATION DEADLINES.—

(i) STATES.—Of the amounts that a State elects under paragraph (1)(C)(ii)(I)(bb) to reserve for use by the State under this paragraph—

(I) any amounts that the State provides to a small business emergency fund under subparagraph (A)(i) of this paragraph shall be obligated by the small business emergency fund for expenditure not later than 90 days after the date on which the State received the amounts from the Secretary under clause (i) or (ii) of paragraph (1)(A); and

(II) any amounts that the State chooses to provide to an organization under subparagraph (A)(ii) of this paragraph, or to use to pay for administrative costs under subparagraph (A)(iii) of this paragraph, shall be obligated by the State for expenditure not later than 90 days after the date on which the State received the amounts from the Secretary under clause (i) or (ii) of paragraph (1)(A).

(ii) ENTITLEMENT COMMUNITIES.—Of the amounts that an entitlement community receives from the Secretary under paragraph (1)(B)(i)(I)—

(I) any amounts that the entitlement community provides to a small business emergency fund under subparagraph (A)(i) of this paragraph shall be obligated by the small business emergency fund for expenditure not later than 90 days after the date on which the entitlement community received the amounts; and

(II) any amounts that the entitlement community chooses to provide to an organization under subparagraph (A)(ii) of this paragraph, or to use to pay for administrative costs under subparagraph (A)(iii) of this paragraph, shall be obligated by the entitlement community for expenditure not later than 90 days after the date on which the entitlement community received the amounts.

(iii) NONENTITLEMENT COMMUNITIES.—Of the amounts that a unit of general local government, or an entity designated thereby, located in a nonentitlement area receives from a State under paragraph (1)(C)(ii)(I)(aa)—

(I) any amounts that the unit of general local government or entity provides to a small business emergency fund under subparagraph (A)(i) of this paragraph shall be obligated by the small business emergency fund for expenditure not later than 90 days after the date on which the State received the amounts from the Secretary under clause (i) or (ii) of paragraph (1)(A); and

(II) any amounts that the unit of general local government or entity chooses to provide to a support organization under subparagraph (A)(ii) of this paragraph or to use to pay for administrative costs under subparagraph (A)(iii) of this paragraph shall be obligated by the unit of general local government or entity for expenditure not later

than 90 days after the date on which the State received the amounts from the Secretary under clause (i) or (ii) of paragraph (1)(A).

(D) RECOVERY OF UNOBLIGATED FUNDS.—If a State, entitlement community, other unit of general local government, entity designated by a unit of general local government, or small business emergency fund fails to obligate amounts by the applicable deadline under subparagraph (C), the Secretary shall recover the amount of those amounts that remain unobligated, as of that deadline.

(E) COLLABORATION.—It is the sense of Congress that—

(i) an entitlement community that receives amounts allocated under paragraph (1)(B)(i)(I) should collaborate with the applicable local entity responsible for economic development and small business development in establishing and administering a small business emergency fund; and

(ii) States, units of general local government (including units of general local government located inside and outside nonentitlement areas), and Indian Tribes that receive amounts under paragraph (1) and are located in the same region should collaborate in establishing and administering small business emergency funds.

(d) SMALL BUSINESS EMERGENCY FUNDS.—With respect to a small business emergency fund that receives funds from an allocation made under subsection (c)—

(1) the small business emergency fund shall establish, and make publicly available, guidelines with respect to the receipt of assistance from the fund, including—

(A) eligibility to receive that assistance; and

(B) financing terms and document retention requirements with respect to a recipient of that assistance;

(2) if the small business emergency fund makes a loan to an eligible entity with those funds, the small business emergency fund may use amounts returned to the small business emergency fund from the repayment of the loan to provide further assistance to eligible entities, without regard to the termination date described in subsection (j); and

(3) the small business emergency fund—

(A) shall conduct outreach to eligible entities that are less likely to participate in programs established under the CARES Act (Public Law 116–136; 134 Stat. 281) and the amendments made by that Act, including minority-owned entities, businesses in low-income communities, businesses in rural and Tribal areas, and other businesses that are underserved by the traditional banking system;

(B) in providing financing to eligible entities with those funds, shall, to the maximum extent practicable, give preference to eligible entities that have not received a loan under section 7(a)(36) of the Small Business Act (15 U.S.C. 636(a)(36)), which shall have no effect on the ability of the eligible entity to receive a loan under such section 7(a)(36) if the eligible entity is otherwise eligible to receive such a loan; and

(C) shall adopt standards that—

(i) encourage participation by the greatest number of eligible entities possible; and

(ii) establish a reasonable expectation of payment with respect to financing provided to eligible entities with those funds.

(e) INFORMATION GATHERING.—

(1) IN GENERAL.—When providing assistance to an eligible entity with funds received from an allocation made under subsection (c), the entity providing assistance shall—

(A) inquire whether the eligible entity is—

(i) in the case of an eligible entity that is a business entity or a nonprofit organization, a women-owned entity or a minority-owned entity; and

(ii) in the case of an eligible entity who is an individual, a woman or a minority; and

(B) maintain a record of the responses to each inquiry conducted under subparagraph (A), which the entity shall promptly submit to the applicable State, unit of general local government, or Indian Tribe.

(2) RIGHT TO REFUSE.—An eligible entity may refuse to provide any information requested under paragraph (1)(A).

(f) REPORTING.—

(1) IN GENERAL.—Not later than 30 days after the date on which a State, unit of general local government, or Indian Tribe initially receives an allocation made under subsection (c), and not later than 14 days after the date on which that State, unit of local government, or Indian Tribe completes the full expenditure of that allocation, that State, unit of general local government, or Indian Tribe shall submit to the Secretary a report that includes—

(A) the number of recipients of assistance made available from the allocation;

(B) the total amount, and type, of assistance made available from the allocation;

(C) to the extent applicable, with respect to each recipient described in subparagraph (A), information regarding the industry of the recipient, the amount of assistance received by the recipient, the annual sales of the recipient, and the number of employees of the recipient;

(D) to the extent available from information collected under subsection (e), information regarding the number of recipients described in subparagraph (A) that are minority-owned entities, minorities, women, and women-owned entities;

(E) the zip code of each recipient described in subparagraph (A); and

(F) any other information that the Secretary, in the sole discretion of the Secretary, determines to be necessary to carry out the Program.

(2) PUBLIC AVAILABILITY.—As soon as is practicable after receiving each report submitted under paragraph (1), the Secretary shall make the information contained in the report, including all of the information described in subparagraphs (A) through (F) of that paragraph, publicly available.

(g) RULES AND GUIDANCE.—The Secretary, in consultation with the Administrator, shall issue any rules and guidance that are necessary to carry out the Program, including by—

(1) establishing appropriate compliance and reporting requirements, in addition to the reporting requirements under subsection (f);

(2) as soon as practicable after the date of enactment of this Act, issuing guidance with respect to the collection, maintenance, and reporting of information under subsections (e) and (f) (and any requirements established under paragraph (1)), including—

(A) the means by which an entity to which those subsections and other requirements apply shall collect and maintain that information; and

(B) with respect to a report required under subsection (f), or under a requirement established under paragraph (1), the format that an entity to which any such requirement applies shall use to submit such a report; and

(3) defining terms, other than those terms that are defined in subsection (a).

(h) OVERSIGHT.—

(1) INSPECTOR GENERAL.—

(A) IN GENERAL.—The Inspector General of the Department of the Treasury shall conduct monitoring and oversight of the receipt, disbursement, and use of funds under the Program.

(B) RECOUPMENT.—If the Inspector General of the Department of the Treasury determines that an entity that receives amounts made available under the Program has failed to comply with a requirement of this section, the amount equal to the amount of funds used in violation of this section shall be booked as a debt of that entity owed to the Federal Government and, when recouped, shall be deposited in the General Fund of the Treasury.

(2) GAO.—Not later than 1 year after the date on which the Program terminates under subsection (j), the Comptroller General of the United States shall conduct a review of the Program and submit to the appropriate committees of Congress a report that contains the results of that review.

(i) APPROPRIATION.—

(1) IN GENERAL.—There are appropriated to the Secretary for fiscal year 2020, out of amounts in the Treasury not otherwise appropriated, $50,500,000,000 to carry out the Program, which shall remain available until the termination date described in subsection (j).

(2) APPLICATION OF PROVISIONS.—Amounts appropriated under paragraph (1) shall be subject to the requirements contained in the Further Consolidated Appropriations Act, 2020 (Public Law 116–94) for funds for programs authorized under sections 330 through 340 of the Public Health Service Act (42 U.S.C. 254b through 256).

(j) TERMINATION.—The Program, and any rules and guidance issued under subsection (g) with respect to the Program, shall terminate on the date that is 1 year after the date of enactment of this Act.

SA 2538. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

Strike section 2 and insert the following:

SEC. 2. IMPROVEMENTS TO FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION TO BETTER MATCH LOST WAGES.

(a) EXTENSION.—Section 2104(e)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by striking ''July 31, 2020'' and inserting ''December 31, 2020''.

(b) IMPROVEMENTS TO ACCURACY OF PAYMENTS.—

(1) FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

(A) IN GENERAL.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in paragraph (1)(B), by striking ''of $600'' and inserting ''equal to the amount specified in paragraph (3)''; and

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

''(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

''(A) IN GENERAL.—The amount specified in this paragraph is the following amount with respect to an individual:

''(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, $600.

''(ii) For weeks of unemployment beginning after the last week under clause (i) and ending on or before September 28, 2020. $500.

''(iii) For weeks of unemployment beginning after the last week under clause (ii) and

ending on or before December 31, 2020, an amount (not to exceed $500) equal to one of the following, as determined by the State for all individuals:

''(I) Subject to subclause (II), an amount equal to—

''(aa) 100 percent of the individual's average weekly wages; minus

''(bb) the individual's base amount (determined prior to any reductions or offsets).

''(II) If proposed by the State as an alternative to subclause (I) and approved by the Secretary, an amount that results in the sum of the base amount and the amount of Federal Pandemic Unemployment Compensation under this section being on average equal to 100 percent of lost wages.

''(B) BASE AMOUNT.—For purposes of this paragraph, the term 'base amount' means, with respect to an individual, an amount equal to—

''(i) for weeks of unemployment under the pandemic unemployment assistance program under section 2102, the amount determined under subsection (d)(1)(A)(i) or (d)(2) of such section 2102, as applicable; or

''(ii) for all other weeks of unemployment, the amount determined under paragraph (1)(A) of this subsection.

''(C) AVERAGE WEEKLY WAGES.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of this paragraph, the term 'average weekly wages' means, with respect to an individual, the following:

''(I) If the State computes the individual weekly unemployment compensation benefit amount based on an individual's average weekly wages in a base period, an amount equal to the individual's average weekly wages used in such computation.

''(II) If the State computes the individual weekly unemployment compensation benefit amount based on high quarter wages or a formula using wages across some but not all quarters in a base period, an amount equal to 1/13 of such high quarter wages or average wages of the applicable quarters used in the computation for the individual.

''(III) If the State uses computations other than the computations under subclause (I) or (II) for the individual weekly unemployment compensation benefit amount, or for computations of the weekly benefit amount under the pandemic unemployment assistance program under section 2102, as described in subsection (d)(1)(A)(i) or (d)(2) of such section 2102, for which subclause (I) or (II) do not apply, an amount equal to 1/52 of the sum of all base period wages.

''(ii) SPECIAL RULE.—If more than one of the methods of computation under subclauses (I), (II), and (III) of clause (i) are applicable to a State, then such term shall mean the amount determined under the applicable subclause of clause (i) that results in the highest amount of average weekly wages.''.

(B) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS.—Section 2104(i)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in subparagraph (C), by striking ''and'' at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

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

(2) CONFORMING AMENDMENTS.—

(A) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by inserting ''with respect to the individual'' after ''section 2104'' in each of paragraphs (1)(A)(ii) and (2).

(B) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 2107 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in subsection (a)(4)(A)(ii), by inserting ''with respect to the individual'' after ''section 2104''; and

(ii) in subsection (b)(2), by inserting ''with respect to the individual'' after ''section 2104''.

(c) CONSISTENT TREATMENT OF EARNINGS AND UNEMPLOYMENT COMPENSATION.—Section 2104(h) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to any Federal Pandemic Unemployment Compensation paid to an individual with respect to a week of unemployment ending on or after October 5, 2020.''.

(d) REQUIREMENT FOR RETURN TO WORK NOTIFICATION AND REPORTING.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new paragraph:

''(3) Beginning 30 days after the date of enactment of this paragraph, any agreement under this section shall require that the State has in place a process to address refusal to return to work or refusal of suitable work that includes the following:

''(A) Providing a plain-language notice to individuals at the time of applying for benefits regarding State law provisions relating to each of the following:

''(i) Return to work requirements.

''(ii) Rights to refuse to return to work or to refuse suitable work.

''(iii) How to contest the denial of a claim that has been denied due to a claim by an employer that the individual refused to return to work or refused suitable work.

''(B) Providing a plain-language notice to employers through any system used by employers or any regular correspondence sent to employers regarding how to notify the State if an individual refuses to return to work.

''(C) Other items determined appropriate by the Secretary of Labor.''.

(e) EFFECTIVE DATE.—The amendments made by this section (other than the amendment made by subsection (d)) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

SEC. 3. SUPPLEMENTAL EMERGENCY UNEMPLOYMENT RELIEF FOR GOVERNMENTAL ENTITIES AND NONPROFIT ORGANIZATIONS.

(a) IN GENERAL.—Section 903(i)(1)(B) of the Social Security Act (42 U.S.C. 1103(i)(1)(B)) is amended by striking ''one-half'' and inserting ''75 percent''.

(b) EFFECTIVE DATE.—The amendment made by subsection (a) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

SEC. 4. IMPROVEMENTS TO STATE UNEMPLOYMENT SYSTEMS AND STRENGTHENING PROGRAM INTEGRITY.

(a) UNEMPLOYMENT COMPENSATION SYSTEMS.—

(1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)) is amended—

(A) in the matter preceding paragraph (1), by striking ''provision for—'' and inserting ''provision for each of the following:'';

(B) at the end of each of paragraphs (1) through (10) and paragraph (11)(B), by striking ''; and'' and inserting a period; and

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

''(13) The State system shall, in addition to meeting the requirements under section 1137, meet the following requirements:

''(A) The system shall be capable of handling a surge of claims that would represent a twentyfold increase in claims from January 2020 levels, occurring over a one-month period.

''(B) The system shall be capable of—

''(i) adjusting wage replacement levels for individuals receiving unemployment compensation;

''(ii) adjusting weekly earnings disregards, including the ability to adjust such disregards in relation to an individual's earnings or weekly benefit amount; and

''(iii) providing for wage replacement levels that vary based on the duration of benefit receipt.

''(C) The system shall have in place an automated process for receiving and processing claims for disaster unemployment assistance under section 410(a) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5177(a)), with flexibility to adapt rules regarding individuals eligible for assistance and the amount payable.

''(D) In the case of a State that makes payments of short-time compensation under a short-time compensation program (as defined in section 3306(v) of the Internal Revenue Code of 1986), the system shall have in place an automated process of receiving and processing claims for short-time compensation.

''(E) The system shall have in place an automated process for receiving and processing claims for—

''(i) unemployment compensation for Federal civilian employees under subchapter I of chapter 85 of title 5, United States Code;

''(ii) unemployment compensation for ex-servicemembers under subchapter II of chapter 85 of title 5, United States Code; and

''(iii) trade readjustment allowances under sections 231 through 233 of the Trade Act of 1974 (19 U.S.C. 2291–2293).''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to weeks of unemployment beginning on or after the earlier of—

(A) the date the State changes its statutes, regulations, or policies in order to comply with such amendment; or

(B) October 1, 2023.

(b) ELECTRONIC TRANSMISSION OF UNEMPLOYMENT COMPENSATION INFORMATION.—Section 303 of the Social Security Act (42 U.S.C. 503) is amended by adding at the end the following new subsection:

''(n) ELECTRONIC TRANSMISSION OF UNEMPLOYMENT COMPENSATION INFORMATION.—

''(1) IN GENERAL.—Not later than October 1, 2022, the State agency charged with administration of the State law shall use a system developed (in consultation with stakeholders) and designated by the Secretary of Labor for automated electronic transmission of requests for information relating to unemployment compensation and the provision of such information between such agency and employers or their agents.

''(2) USE OF APPROPRIATED FUNDS.—The Secretary of Labor may use funds appropriated for grants to States under this title to make payments on behalf of States as the Secretary determines is appropriate for the use of the system described in paragraph (1).

''(3) EMPLOYER PARTICIPATION.—- The Secretary of Labor shall work with the State

agency charged with administration of the State law to increase the number of employers using this system and to resolve any technical challenges with the system.

''(4) REPORTS ON USE OF ELECTRONIC SYSTEM.—After the end of each fiscal year, on a date determined by the Secretary, each State shall report to the Secretary information on—

''(A) the proportion of employers using the designated system described in paragraph (1);

''(B) the reasons employers are not using such system; and

''(C) the efforts the State is undertaking to increase employer's use of such system.

''(5) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification to the Secretary of the Treasury with respect to the State.''.

(c) UNEMPLOYMENT COMPENSATION INTEGRITY DATA HUB.—

(1) IN GENERAL.—Section 303(a) of the Social Security Act (42 U.S.C. 503(a)), as amended by subsection (a), is amended by adding at the end the following new paragraph:

''(14) The State agency charged with administration of the State law shall use the system designated by the Secretary of Labor for cross-matching claimants of unemployment compensation under State law against any databases in the system to prevent and detect fraud and improper payments.''.

(2) EFFECTIVE DATE.—The amendment made by paragraph (1) shall apply to weeks of unemployment beginning on or after the earlier of—

(A) the date the State changes its statutes, regulations, or policies in order to comply with such amendment; or

(B) October 1, 2022.

(d) REDUCING STATE BURDEN IN PROVIDING DATA TO PREVENT AND DETECT FRAUD.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by subsection (b), is amended by adding at the end the following new subsection:

''(o) USE OF UNEMPLOYMENT CLAIMS DATA TO PREVENT AND DETECT FRAUD.—The Inspector General of the Department of Labor shall, for the purpose of identifying and investigating fraud in unemployment compensation programs, have direct access to each of the following systems:

''(1) The system designated by the Secretary of Labor for the electronic transmission of requests for information relating to interstate claims for unemployment compensation.

''(2) The system designated by the Secretary of Labor for cross-matching claimants of unemployment compensation under State law against databases to prevent and detect fraud and improper payments (as referred to in subsection (a)(14).''.

(e) USE OF NATIONAL DIRECTORY OF NEW HIRES IN ADMINISTRATION OF UNEMPLOYMENT COMPENSATION PROGRAMS AND PENALTIES ON NONCOMPLYING EMPLOYERS.—

(1) IN GENERAL.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by subsections (b) and (d), is amended by adding at the end the following new subsection:

''(p) USE OF NATIONAL DIRECTORY OF NEW HIRES.—

''(1) IN GENERAL.—Not later than October 1, 2022, the State agency charged with administration of the State law shall—

''(A) compare information in the National Directory of New Hires established under section 453(i) against information about individuals claiming unemployment compensation to identify any such individuals who may have become employed, in accordance with any regulations or guidance that the Secretary of Health and Human Services may issue and consistent with the computer matching provisions of the Privacy Act of 1974;

''(B) take timely action to verify whether the individuals identified pursuant to subparagraph (A) are employed; and

''(C) upon verification pursuant to subparagraph (B), take appropriate action to suspend or modify unemployment compensation payments, and to initiate recovery of any improper unemployment compensation payments that have been made.

''(2) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification to the Secretary of the Treasury with respect to the State.''.

(2) PENALTIES.—

(A) IN GENERAL.—Section 453A(d) of the Social Security Act (42 U.S.C. 653a(d)), in the matter preceding paragraph (1), is amended by striking ''have the option to set a State civil money penalty which shall not exceed'' and inserting ''set a State civil money penalty which shall be no less than''.

(B) EFFECTIVE DATE.—The amendment made by subparagraph (A) shall apply to penalties assessed on or after October 1, 2022.

(f) STATE PERFORMANCE.—

(1) IN GENERAL.—Section 303 of the Social Security Act (42 U.S.C. 503), as amended by subsections (b), (d), and (e), is amended by adding at the end the following new subsection:

''(q) STATE PERFORMANCE.—

''(1) IN GENERAL.—For purposes of assisting States in meeting the requirements of this title, title IX, title XII, or chapter 23 of the Internal Revenue Code of 1986 (commonly referred to as 'the Federal Unemployment Tax Act'), the Secretary of Labor may—

''(A) consistent with subsection (a)(1), establish measures of State performance, including criteria for acceptable levels of performance, performance goals, and performance measurement programs;

''(B) consistent with subsection (a)(6), require States to provide to the Secretary of Labor data or other relevant information from time to time concerning the operations of the State or State performance, including the measures, criteria, goals, or programs established under paragraph (1);

''(C) require States with sustained failure to meet acceptable levels of performance or with performance that is substantially below acceptable standards, as determined based on the measures, criteria, goals, or programs established under subparagraph (A), to implement specific corrective actions and use specified amounts of the administrative grants under this title provided to such States to improve performance; and

''(D) based on the data and other information provided under subparagraph (B)—

''(i) to the extent the Secretary of Labor determines funds are available after providing grants to States under this title for the administration of State laws, recognize and make awards to States for performance improvement, or performance exceeding the criteria or meeting the goals established under subparagraph (A); or

''(ii) to the extent the Secretary of Labor determines funds are available after providing grants to States under this title for the administration of State laws, provide incentive funds to high-performing States based on the measures, criteria, goals, or programs established under subparagraph (A).

''(2) ENFORCEMENT.—Whenever the Secretary of Labor, after reasonable notice and opportunity for hearing to the State agency charged with the administration of the State law, finds that there is a failure to comply substantially with the requirements of paragraph (1), the Secretary of Labor shall notify such State agency that further payments will not be made to the State until the Secretary of Labor is satisfied that there is no longer any such failure. Until the Secretary of Labor is so satisfied, such Secretary shall make no future certification to the Secretary of the Treasury with respect to the State.''.

(2) EFFECTIVE DATE.—The amendments made by this subsection shall take effect on the date of enactment of this Act.

(g) FUNDING.—Out of any money in the Treasury of the United States not otherwise appropriated, there are appropriated to the Secretary of Labor $2,000,000,000 to assist States in carrying out the amendments made by this section, which may include regional or multi-State efforts. Amounts appropriated under the preceding sentence shall remain available until expended.

SEC. 5. FUNDING FOR STATE UNEMPLOYMENT INSURANCE AND EMPLOYMENT SERVICE OPERATIONS.

(a) IN GENERAL.—Out of any money in the Treasury of the United States not otherwise appropriated, in addition to other amounts appropriated, there are appropriated for State unemployment insurance and employment service operations, $1,504,000,000, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which may be expended from the Employment Security Administration Account in the Unemployment Trust Fund (in this section referred to as the ''Trust Fund'').

(b) USE.—Amounts appropriated under subsection (a) shall be available as follows:

(1)(A) Subject to subparagraphs (B) and (C), $1,115,500,000 from the Trust Fund shall be available for providing grants to States for the administration of State unemployment insurance laws as authorized under title III of the Social Security Act, including grants to upgrade information technology to improve the administration and processing of unemployment compensation claims. Such amounts shall remain available through December 31, 2021.

(B) The Secretary of Labor may distribute amounts under subparagraph (A), with respect to upgrading information technology, based on the condition and needs of the State information technology systems or other appropriate factors, which may include the ratio described under section 903(a)(2)(B) of the Social Security AcT (42 U.S.C. 1103(a)(2)(B)).

(C) Grant funds provided to States under this paragraph for upgrading information technology shall be available for obligation by the States through September 30, 2027 and available for expenditure by the States through September 30, 2028.

(2) $38,500,000 from the Trust Fund shall be available for national activities necessary to support the administration of the Federal-State unemployment insurance system. Such

amounts shall remain available through September 30, 2021.

(3) $350,000,000 from the Trust Fund shall be available for providing grants to States in accordance with section 6 of the Wagner-Peyser Act. Such amounts shall remain available through June 30, 2021.

SEC. 6. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided by this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 2539. Mr. GRAHAM submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ____—RESTORING CRITICAL SUPPLY CHAINS AND INTELLECTUAL PROPERTY

SEC. _01. SHORT TITLE.

This title may be cited as the ''Restoring Critical Supply Chains and Intellectual Property Act''.

Subtitle A—U.S. MADE Act

SEC. _11. SHORT TITLE.

This subtitle may be cited as the ''United States Manufacturing Availability of Domestic Equipment Act'' or the ''U.S. MADE Act of 2020''.

SEC. _12. DOMESTIC PURCHASING REQUIREMENT FOR PERSONAL PROTECTIVE EQUIPMENT ACQUISITIONS FOR THE STRATEGIC NATIONAL STOCKPILE.

Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) is amended by adding at the end the following:

''(6) DOMESTIC PROCUREMENT REQUIREMENT FOR PERSONAL PROTECTIVE EQUIPMENT.—

''(A) REQUIREMENT.—Except as provided in subparagraphs (C) and (D), funds appropriated or otherwise available to the Secretary for the Strategic National Stockpile may not be used for the procurement of an item described in subparagraph (B) unless the item was grown, reprocessed, reused, or produced in the United States.

''(B) COVERED ITEMS.—An item described in this subparagraph is an article or item of—

''(i) personal protective equipment and clothing (and the materials and components thereof), other than sensors, electronics, or other items added to, and not normally associated with, such personal protective equipment;

''(ii) sanitizing supplies and ancillary medical supplies such as disinfecting wipes, privacy curtains, beds and bedding, testing swabs, gauze and bandages, tents, tarpaulins, covers, or bags; or

''(iii) any other textile medical supplies and textile equipment described in paragraph (1).

''(C) AVAILABILITY EXCEPTION.—Subparagraph (A) shall not apply to an item described in subparagraph (B)—

''(i) that is, or that includes, a material listed in section 25.104 of the Federal Acquisition Regulation as one for which a nonavailability determination has been made;

''(ii) as to which the Secretary determines that a sufficient quantity of a satisfactory quality of such item that is grown, reprocessed, reused, or produced in the United States cannot be procured as, and when, needed; or

''(iii) if, after maximizing to the extent feasible sources consistent with subparagraph (A), the Secretary certifies every 90 days that it is necessary to procure products under this paragraph under expedited procedures to respond to the immediate needs of a public health emergency pursuant to section 319.

''(D) EXCEPTION FOR SMALL PROCUREMENTS.—Subparagraph (A) shall not apply to procurements for amounts that do not exceed $150,000. A proposed procurement for an amount in excess of $150,000 may not be divided into several procurements or contracts for lesser amounts in order to qualify for the exception under this subparagraph.

''(E) CONSULTATION.—The Secretary shall consult with the United States Trade Representative on a matter under this subsection that concerns an obligation of the United States under any international trade agreement.

''(F) NOTIFICATION REQUIRED WITHIN 7 DAYS AFTER PROCUREMENT CONTRACT AWARD IF CERTAIN EXCEPTIONS APPLIED.—In the case of any procurement contracts of an item described in subparagraph (B), if the Secretary applies the exception described in subparagraph (C) with respect to that procurement contract, the Secretary shall, not later than 7 days after the awarding of the procurement contract, post a notification that the exception has been applied on the relevant Internet website maintained by the General Services Administration, except for any information that is exempt from mandatory disclosure under section 552 of title 5, United States Code.

''(G) TRAINING DURING FISCAL YEAR 2021.—

''(i) IN GENERAL.—The Secretary shall ensure that each member of the acquisition workforce in the Department of Health and Human Services who participates substantially on a regular basis in procurements related to the maintenance of the Strategic National Stockpile receives training during fiscal year 2021 on the requirements of this paragraph.

''(ii) INCLUSION OF INFORMATION IN NEW TRAINING PROGRAMS.—The Secretary shall ensure that any training program for the acquisition workforce, as described in clause (i), developed or implemented after fiscal year 2021, includes comprehensive information on the requirements described in subparagraph (A).

''(H) EFFECTIVE DATE.—The Secretary shall increase the percentage of contracts by value entered into for products described in subparagraph (B) incrementally to 100 percent as soon as practicable, but in no event later than the end of the 5-year period beginning on the date of enactment of this paragraph. The Secretary shall notify the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives within 60 days of such date of enactment regarding the percentage of products described in subparagraph (B) that meet the requirements of this paragraph.

''(I) REPORT.—Not later than 90 days after the date of enactment of this paragraph, the Secretary shall submit to the Committee on Health, Education, Labor, and Pensions of the Senate and the Committee on Energy and Commerce of the House of Representatives a report assessing the implementation of this paragraph and the feasibility of applying the requirements of this paragraph to—

''(i) not less than 50 percent of contracts by value entered into for products described in subparagraph (B) by September 30, 2021;

''(ii) not less than 75 percent of contracts by value entered into for products described in subparagraph (B) by March 31, 2022; and

''(iii) not less than 100 percent of contracts by value entered into for products described in subparagraph (B) by a date that is not less than 2 years after the date of enactment of this paragraph.''.

SEC. _13. INVESTMENT CREDIT FOR QUALIFYING MEDICAL PERSONAL PROTECTIVE EQUIPMENT MANUFACTURING PROJECTS.

(a) IN GENERAL.—Subpart E of part IV of subchapter A of chapter 1 of the Internal Revenue Code of 1986 is amended by inserting after section 48C the following new section:

''SEC. 48D. QUALIFYING MEDICAL PERSONAL PROTECTIVE EQUIPMENT MANUFACTURING PROJECT CREDIT.

''(a) IN GENERAL.—For purposes of section 46, the qualifying medical personal protective equipment manufacturing project credit for any taxable year is an amount equal to 30 percent of the qualified investment for such taxable year with respect to any qualifying medical personal protective equipment manufacturing project of the taxpayer.

''(b) QUALIFIED INVESTMENT.—

''(1) IN GENERAL.—For purposes of subsection (a), the qualified investment for any taxable year is—

''(A) in the case of any eligible property placed in service by the taxpayer during such taxable year, the basis of such property, and

''(B) in the case of any property previously placed in service by the taxpayer during any period before such taxable year which qualifies as eligible property for such taxable year, the adjusted basis of such property (as determined as of the beginning of such taxable year).

''(2) CERTAIN QUALIFIED PROGRESS EXPENDITURES RULES MADE APPLICABLE.—Rules similar to the rules of subsections (c)(4) and (d) of section 46 (as in effect on the day before the enactment of the Revenue Reconciliation Act of 1990) shall apply for purposes of this section.

''(3) LIMITATION.—The amount which is treated as the qualified investment for all taxable years with respect to any qualifying medical personal protective equipment manufacturing project shall not exceed the amount designated by the Secretary as eligible for the credit under this section.

''(c) DEFINITIONS.—

''(1) QUALIFYING MEDICAL PERSONAL PROTECTIVE EQUIPMENT MANUFACTURING PROJECT.—

''(A) IN GENERAL.—The term 'qualifying medical personal protective equipment manufacturing project' means a project—

''(i) which re-equips, expands, establishes, or continues a manufacturing facility for the production of—

''(I) any item described in paragraph (6)(B) of section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)), or

''(II) any textile products for medical applications which are not described in subclause (I), as identified by the Secretary, in consultation with the Secretary of Health and Human Services, and

''(ii) any portion of the qualified investment of which is certified by the Secretary under subsection (d) as eligible for a credit under this section.

''(B) EXCEPTION.—Subclause (I) of subparagraph (A)(i) shall not include sensors, electronics, or other items added to, and not normally associated with, equipment or clothing described in such subclause.

''(2) ELIGIBLE PROPERTY.—The term 'eligible property' means any property—

''(A) which is necessary for the production of property described in paragraph (1)(A)(i),

''(B) which is—

''(i) tangible personal property, or

''(ii) other tangible property (not including a building or its structural components), but only if such property is used as an integral part of the manufacturing facility described in such paragraph,

''(C) with respect to which depreciation (or amortization in lieu of depreciation) is allowable, and

''(D) which is part of a qualifying medical personal protective equipment manufacturing project.

''(d) QUALIFYING MEDICAL PERSONAL PROTECTIVE EQUIPMENT MANUFACTURING PROJECT PROGRAM.—

''(1) ESTABLISHMENT.—

''(A) IN GENERAL.—Not later than 90 days after the date of enactment of this section, the Secretary, in consultation with the Secretary of Health and Human Services, shall establish a qualifying medical personal protective equipment manufacturing project program to consider and award certifications for qualified investments eligible for credits under this section to qualifying medical personal protective equipment manufacturing project sponsors.

''(B) LIMITATION.—The total amount of credits that may be allocated under the program shall not exceed $7,500,000,000.

''(2) CERTIFICATION.—

''(A) APPLICATION PERIOD.—Each applicant for certification under this paragraph shall submit an application (containing such information as the Secretary may require) during the 1-year period beginning on the date the Secretary establishes the program under paragraph (1).

''(B) TIME TO MEET CRITERIA FOR CERTIFICATION.—Each applicant for certification shall have 1 year from the date of acceptance by the Secretary of the application during which to provide to the Secretary evidence that the requirements of the certification have been met.

''(C) PERIOD OF ISSUANCE.—An applicant which receives a certification shall have 2 years from the date of issuance of the certification in order to place the project in service and if such project is not placed in service by that time period, then the certification shall no longer be valid.

''(3) SELECTION CRITERIA.—In determining which qualifying medical personal protective equipment manufacturing projects to certify under this section, the Secretary shall take into consideration which projects—

''(A) will provide the greatest net increase in job creation (both direct and indirect) within the United States (as defined in section 4612(a)(4)) during the credit period,

''(B) will provide the largest net increase in the amount of medical personal protective equipment for which there is the greatest need for purposes of the Strategic National Stockpile (as described in section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a))),

''(C) have the greatest potential to help achieve medical manufacturing independence for the United States, and

''(D) have the greatest potential to meet current demand or sudden surges in demand for personal protective equipment.

''(4) REVIEW AND REDISTRIBUTION.—

''(A) REVIEW.—Not later than 3 years after the date of enactment of this section, the Secretary shall review the credits allocated under this section as of such date.

''(B) REDISTRIBUTION.—The Secretary may reallocate credits awarded under this section if the Secretary determines that—

''(i) there is an insufficient quantity of qualifying applications for certification pending at the time of the review, or

''(ii) any certification made pursuant to paragraph (2) has been revoked pursuant to paragraph (2)(B) because the project subject to the certification has been delayed as a result of third party opposition or litigation to the proposed project.

''(C) REALLOCATION.—If the Secretary determines that credits under this section are available for reallocation pursuant to the requirements set forth in paragraph (2), the Secretary is authorized to conduct an additional program for applications for certification.

''(5) DISCLOSURE OF ALLOCATIONS.—The Secretary shall, upon making a certification under this subsection, publicly disclose the identity of the applicant and the amount of the credit with respect to such applicant.

''(e) DENIAL OF DOUBLE BENEFIT.—No credit shall be allowed under any provision of this chapter with respect to any amount taken in account in determining the credit allowed to a taxpayer under this section.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 46 of the Internal Revenue Code of 1986 is amended—

(A) by striking ''and'' at the end of paragraph (5);

(B) by striking the period at the end of paragraph (6) and inserting '', and''; and

(C) by adding at the end the following:

''(7) the qualifying medical personal protective equipment manufacturing project credit.''.

(2) Section 49(a)(1)(C) of such Code is amended—

(A) by striking ''and'' at the end of clause (iv);

(B) by striking the period at the end of clause (v) and inserting '', and''; and

(C) by adding at the end the following:

''(vi) the basis of any property which is part of a qualifying medical personal protective equipment manufacturing project under section 48D.''.

(3) Section 50(a)(2)(E) of such Code is amended by striking ''or 48C(b)(2)'' and inserting '', 48C(b)(2), or 48D(b)(2)''.

(4) The table of sections for subpart E of part IV of subchapter A of chapter 1 of such Code is amended by inserting after the item relating to section 48C the following new item:

''Sec. 48D. Qualifying medical personal protective equipment manufacturing project credit.''.

(c) TREATMENT UNDER BASE EROSION TAX.—Section 59A(b)(1)(B)(ii) of the Internal Revenue Code of 1986 is amended by striking ''plus'' at the end of subclause (I), by redesignating subclause (II) as subclause (III), and by inserting after subclause (I) the following new subclause:

''(II) the credit allowed under section 38 for the taxable year which is properly allocable to the portion of the investment credit determined under section 46 that is properly allocable to section 48D(a), plus''.

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to projects certified after the date of enactment of this Act.

SEC. _14. SPECIAL RULES FOR TRANSFERS OF INTANGIBLE PROPERTY RELATING TO MEDICAL PERSONAL PROTECTIVE EQUIPMENT TO UNITED STATES SHAREHOLDERS.

(a) IN GENERAL.—Subpart F of part III of subchapter N of chapter 1 of the Internal Revenue Code of 1986 is amended by adding at the end the following new section:

''SEC. 966. TRANSFERS OF INTANGIBLE PROPERTY RELATING TO MEDICAL PERSONAL PROTECTIVE EQUIPMENT TO UNITED STATES SHAREHOLDERS.

''(a) IN GENERAL.—Except as otherwise provided by the Secretary, if a controlled foreign corporation holds qualified intangible property on the date of the enactment of this section and thereafter distributes such property to a domestic corporation which is a United States shareholder with respect to such controlled foreign corporation—

''(1) for purposes of part I of subchapter C and any other provision of this title specified by the Secretary, the fair market value of such property on the date of such distribution shall be treated as not exceeding the adjusted basis of such property immediately before such distribution, and

''(2) if any portion of such distribution is not a dividend—

''(A) no gain shall be recognized by such United States shareholder with respect to such distribution, and

''(B) the adjusted basis of such property in the hands of such United States shareholder immediately after such distribution shall be the adjusted basis of such property in the hands of such controlled foreign corporation immediately before such distribution reduced by the amount (if any) of gain not recognized by reason of subparagraph (A) (determined after the application of paragraph (1)).

''(b) QUALIFIED INTANGIBLE PROPERTY.—For purposes of this section, the term 'qualified intangible property' means any property described in section 367(d)(4)(A)—

''(1) the principal purpose of which is use in connection with—

''(A) any eligible property, as defined in section 48D(c)(2), or

''(B) any item or product described in subclause (I) or (II) of section 48D(c)(1)(A)(i), or

''(2) substantially all of the income from which is derived in connection with any eligible property (as defined in section 48D(c)(2)) or any item or product described in paragraph (1)(B).

''(c) REGULATIONS AND GUIDANCE.—The Secretary shall prescribe such regulations or other guidance as may be necessary to carry out the purposes of this section, including to prevent abuse by taxpayers related to distributions of qualified intangible property.''.

(b) CONFORMING AMENDMENTS.—

(1) Section 197(f)(2)(B)(i) of the Internal Revenue Code of 1986 is amended by inserting ''966(a),'' after ''731,''.

(2) The table of sections for subpart F of part III of subchapter N of chapter 1 of such Code is amended by adding at the end the following new item:

''Sec. 966. Transfers of intangible property relating to medical personal protective equipment to United States shareholders.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall apply to distributions made on or after the date of enactment of this Act.

Subtitle B—Safeguarding American Innovation

SEC. _21. SHORT TITLE.

This subtitle may be cited as the ''Safeguarding American Innovation Act''.

SEC. _22. DEFINITIONS.

In this subtitle:

(1) FEDERAL SCIENCE AGENCY.—The term ''Federal science agency'' means any Federal department or agency to which more than $100,000,000 in research and development funds were appropriated for fiscal year 2020.

(2) RESEARCH AND DEVELOPMENT.—

(A) IN GENERAL.—The term ''research and development'' means all research activities, both basic and applied, and all development activities.

(B) DEVELOPMENT.—The term ''development'' means experimental development.

(C) EXPERIMENTAL DEVELOPMENT.—The term ''experimental development'' means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

(i) is directed toward the production of new products or processes or improving existing products or processes; and

(ii) like research, will result in gaining additional knowledge.

(D) RESEARCH.—The term ''research''—

(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

(ii) includes activities involving the training of individuals in research techniques if such activities—

(I) utilize the same facilities as other research and development activities; and

(II) are not included in the instruction function.

SEC. 23. FEDERAL RESEARCH SECURITY COUNCIL.

(a) IN GENERAL.—Subtitle V of title 31, United States Code, is amended by adding at the end the following:

''CHAPTER 79—FEDERAL RESEARCH SECURITY COUNCIL

''§ 7901. Definitions

''In this chapter:

''(1) APPROPRIATE CONGRESSIONAL COMMITTEES.—The term 'appropriate congressional committees' means—

''(A) the Committee on Homeland Security and Governmental Affairs of the Senate;

''(B) the Committee on Commerce, Science, and Transportation of the Senate;

''(C) the Select Committee on Intelligence of the Senate;

''(D) the Committee on Foreign Relations of the Senate;

''(E) the Committee on Armed Services of the Senate;

''(F) the Committee on Health, Education, Labor, and Pensions of the Senate;

''(G) the Committee on Oversight and Reform of the House of Representatives;

''(H) the Committee on Homeland Security of the House of Representatives;

''(I) the Committee on Energy and Commerce of the House of Representatives;

''(J) the Permanent Select Committee on Intelligence of the House of Representatives;

''(K) the Committee on Foreign Affairs of the House of Representatives;

''(L) the Committee on Armed Services of the House of Representatives; and

''(M) the Committee on Education and Labor of the House of Representatives.

''(2) COUNCIL.—The term 'Council' means the Federal Research Security Council established under section 7902(a).

''(3) EXECUTIVE AGENCY.—The term 'Executive agency' has the meaning given that term in section 105 of title 5.

''(4) FEDERAL RESEARCH SECURITY RISK.—The term 'Federal research security risk' means the risk posed by malign state actors and other persons to the security and integrity of research and development conducted using grants awarded by Executive agencies.

''(5) INSIDER.—The term 'insider' means any person with authorized access to any United States Government resource, including personnel, facilities, information, research, equipment, networks, or systems.

''(6) INSIDER THREAT.—The term 'insider threat' means the threat that an insider will use his or her authorized access (wittingly or unwittingly) to harm the national and economic security of the United States or negatively affect the integrity of a Federal agency's normal processes, including damaging the United States through espionage, sabotage, unauthorized disclosure of national security information or non-public information, or through the loss or degradation of departmental resources, capabilities, and functions.

''(7) RESEARCH AND DEVELOPMENT.—

''(A) IN GENERAL.—The term 'research and development' means all research activities, both basic and applied, and all development activities.

''(B) DEVELOPMENT.—The term 'development' means experimental development.

''(C) EXPERIMENTAL DEVELOPMENT.—The term 'experimental development' means creative and systematic work, drawing upon knowledge gained from research and practical experience, which—

''(i) is directed toward the production of new products or processes or improving existing products or processes; and

''(ii) like research, will result in gaining additional knowledge.

''(D) RESEARCH.—The term 'research'—

''(i) means a systematic study directed toward fuller scientific knowledge or understanding of the subject studied; and

''(ii) includes activities involving the training of individuals in research techniques if such activities—

''(I) utilize the same facilities as other research and development activities; and

''(II) are not included in the instruction function.

''(8) UNITED STATES RESEARCH COMMUNITY.—The term 'United States research community' means—

''(A) research and development centers of Executive agencies;

''(B) private research and development centers in the United States, including for-profit and nonprofit research institutes;

''(C) research and development centers at institutions of higher education (as defined in section 101(a) of the Higher Education Act of 1965 (20 U.S.C. 1001(a)));

''(D) research and development centers of States, United States territories, Indian tribes, and municipalities;

''(E) government-owned, contractor-operated United States Government research and development centers; and

''(F) any person conducting federally funded research or receiving Federal research grant funding.

''§ 7902. Federal Research Security Council establishment and membership

''(a) ESTABLISHMENT.—There is established, in the Office of Management and Budget, a Federal Research Security Council, which shall develop federally funded research and development grant making policy and management guidance to protect the national and economic security interests of the United States.

''(b) MEMBERSHIP.—

''(1) IN GENERAL.—The following agencies shall be represented on the Council:

''(A) The Office of Management and Budget.

''(B) The Office of Science and Technology Policy.

''(C) The Department of Defense.

''(D) The Department of Homeland Security.

''(E) The Office of the Director of National Intelligence, including the National Counterintelligence and Security Center.

''(F) The Department of Justice, including the Federal Bureau of Investigation.

''(G) The Department of Energy.

''(H) The Department of Commerce, including the National Institute of Standards and Technology.

''(I) The Department of Health and Human Services, including the National Institutes of Health.

''(J) The Department of State.

''(K) The Department of Transportation.

''(L) The National Aeronautics and Space Administration.

''(M) The National Science Foundation.

''(N) The Department of Education.

''(O) The Small Business Administration.

''(P) The Council of Inspectors General on Integrity and Efficiency.

''(Q) Other Executive agencies, as determined by the Chairperson of the Council.

''(2) LEAD REPRESENTATIVES.—

''(A) DESIGNATION.—Not later than 45 days after the date of the enactment of this chapter, the head of each agency represented on the Council shall designate a representative of that agency as the lead representative of the agency on the Council.

''(B) FUNCTIONS.—The lead representative of an agency designated under subparagraph (A) shall ensure that appropriate personnel, including leadership and subject matter experts of the agency, are aware of the business of the Council.

''(c) CHAIRPERSON.—

''(1) DESIGNATION.—Not later than 45 days after the date of the enactment of this chapter, the Director of the Office of Management and Budget shall designate a senior-level official from the Office of Management and Budget to serve as the Chairperson of the Council.

''(2) FUNCTIONS.—The Chairperson shall perform functions that include—

''(A) subject to subsection (d), developing a schedule for meetings of the Council;

''(B) designating Executive agencies to be represented on the Council under subsection (b)(1)(Q);

''(C) in consultation with the lead representative of each agency represented on the Council, developing a charter for the Council; and

''(D) not later than 7 days after completion of the charter, submitting the charter to the appropriate congressional committees.

''(3) LEAD SCIENCE ADVISOR.—The Director of the Office of Science and Technology Policy shall be the lead science advisor to the Chairperson for purposes of this chapter.

''(4) LEAD SECURITY ADVISOR.—The Director of the National Counterintelligence and Security Center shall be the lead security advisor to the Chairperson for purposes of this chapter.

''(d) MEETINGS.—The Council shall meet not later than 60 days after the date of the enactment of this chapter and not less frequently than quarterly thereafter.

''§ 7903. Functions and authorities

''(a) IN GENERAL.—The Chairperson of the Council shall consider the missions and responsibilities of Council members in determining the lead agencies for Council functions. The Council shall perform the following functions:

''(1) Developing and implementing, across all Executive agencies that award research and development grants, a uniform application process for grants in accordance with subsection (b).

''(2) Developing and implementing a uniform and regular reporting process for identifying persons participating in federally funded research and development or that have access to nonpublic federally funded information, data, research findings, and research and development grant proposals.

''(3) Identifying or developing criteria, in accordance with subsection (c), for sharing and receiving information with respect to Federal research security risks in order to mitigate such risks with—

''(A) members of the United States research community; and

''(B) other persons participating in federally funded research and development.

''(4) Identifying an appropriate Executive agency—

''(A) to accept and protect information submitted by Executive agencies and non-

Federal entities based on the processes established under paragraphs (1) and (2); and

''(B) to facilitate the sharing of information received under subparagraph (A) to support, as necessary and appropriate—

''(i) oversight of federally funded research and development;

''(ii) criminal and civil investigations of misappropriated Federal funds, resources, and information; and

''(iii) counterintelligence investigations.

''(5) Identifying, as appropriate, Executive agencies to provide—

''(A) shared services, such as support for conducting Federal research security risk assessments, activities to mitigate such risks, and oversight and investigations with respect to grants awarded by Executive agencies; and

''(B) common contract solutions to support enhanced information collection and sharing and the verification of the identities of persons participating in federally funded research and development.

''(6) Identifying and issuing guidance, in accordance with subsection (d) and in coordination with the National Insider Threat Task Force established by Executive Order 13587 (50 U.S.C. 3161 note) for developing and implementing insider threat programs for Executive agencies to deter, detect, and mitigate insider threats, including the safeguarding of sensitive information from exploitation, compromise, or other unauthorized disclosure, taking into account risk levels and the distinct needs, missions, and systems of each such agency.

''(7) Identifying and issuing guidance for developing compliance and oversight programs for Executive agencies to ensure that research and development grant recipients accurately report conflicts of interest and conflicts of commitment in accordance with subsection (b)(1). Such programs shall include an assessment of—

''(A) a grantee's support from foreign sources and affiliations with foreign funding institutions or laboratories; and

''(B) the impact of such support and affiliations on United States national security and economic interests.

''(8) Assessing and making recommendations with respect to whether openly sharing certain types of federally funded research and development is in the economic and national security interests of the United States.

''(9) Identifying and issuing guidance to the United States research community, and other recipients of Federal research and development funding, to ensure that such institutions and recipients adopt existing best practices to reduce the risk of misappropriation of research data.

''(10) Identifying and issuing guidance on additional steps that may be necessary to address Federal research security risks arising in the course of Executive agencies providing shared services and common contract solutions under paragraph (5)(B).

''(11) Engaging with the United States research community in performing the functions described in paragraphs (1), (2), and (3) and with respect to issues relating to Federal research security risks.

''(12) Carrying out such other functions, as determined by the Council, that are necessary to reduce Federal research security risks.

''(b) REQUIREMENTS FOR UNIFORM GRANT APPLICATION PROCESS.—In developing the uniform application process for Federal research and development grants required under subsection (a)(1), the Council shall—

''(1) ensure that the process—

''(A) requires principal investigators, coprincipal investigators, and senior personnel associated with the proposed Federal research or development grant project—

''(i) to disclose biographical information, all affiliations, including any foreign military, foreign government-related organizations, and foreign-funded institutions, and all current and pending support, including from foreign institutions, foreign governments, or foreign laboratories, and all support received from foreign sources; and

''(ii) to certify the accuracy of the required disclosures under penalty of perjury; and

''(B) uses a machine-readable application form to assist in identifying fraud and ensuring the eligibility of applicants;

''(2) design the process—

''(A) to reduce the administrative burden on persons applying for Federal research and development funding; and

''(B) to promote information sharing across the United States research community, while safeguarding sensitive information; and

''(3) complete the process not later than 1 year after the date of the enactment of the Safeguarding American Innovation Act.

''(c) REQUIREMENTS FOR INFORMATION SHARING CRITERIA.—In identifying or developing criteria and procedures for sharing information with respect to Federal research security risks under subsection (a)(3), the Council shall ensure that such criteria address, at a minimum—

''(1) the information to be shared;

''(2) the circumstances under which sharing is mandated or voluntary;

''(3) the circumstances under which it is appropriate for an Executive agency to rely on information made available through such sharing in exercising the responsibilities and authorities of the agency under applicable laws relating to the award of grants;

''(4) the procedures for protecting intellectual capital that may be present in such information; and

''(5) appropriate privacy protections for persons involved in Federal research and development.

''(d) REQUIREMENTS FOR INSIDER THREAT PROGRAM GUIDANCE.—In identifying or developing guidance with respect to insider threat programs under subsection (a)(6), the Council shall ensure that such guidance provides for, at a minimum—

''(1) such programs—

''(A) to deter, detect, and mitigate insider threats; and

''(B) to leverage counterintelligence, security, information assurance, and other relevant functions and resources to identify and counter insider threats; and

''(2) the development of an integrated capability to monitor and audit information for the detection and mitigation of insider threats, including through—

''(A) monitoring user activity on computer networks controlled by Executive agencies;

''(B) providing employees of Executive agencies with awareness training with respect to insider threats and the responsibilities of employees to report such threats;

''(C) gathering information for a centralized analysis, reporting, and response capability; and

''(D) information sharing to aid in tracking the risk individuals may pose while moving across programs and affiliations;

''(3) the development and implementation of policies and procedures under which the insider threat program of an Executive agency accesses, shares, and integrates information and data derived from offices within the agency;

''(4) the designation of senior officials with authority to provide management, accountability, and oversight of the insider threat program of an Executive agency and to make resource recommendations to the appropriate officials; and

''(5) such additional guidance as is necessary to reflect the distinct needs, missions, and systems of each Executive agency.

''(e) ISSUANCE OF WARNINGS RELATING TO RISKS AND VULNERABILITIES IN INTERNATIONAL SCIENTIFIC COOPERATION.—

''(1) IN GENERAL.—The Council, in conjunction with the lead security advisor under section 7902(c)(4), shall establish a process for informing members of the United States research community and the public, through the issuance of warnings described in paragraph (2), of potential risks and vulnerabilities in international scientific cooperation that may undermine the integrity and security of the United States research community or place at risk any federally funded research and development.

''(2) CONTENT.—A warning described in this paragraph shall include, to the extent the Council considers appropriate, a description of—

''(A) activities by the national government, local governments, research institutions, or universities of a foreign country—

''(i) to exploit, interfere, or undermine research and development by the United States research community; or

''(ii) to misappropriate scientific knowledge resulting from federally funded research and development;

''(B) efforts by strategic competitors to exploit the research enterprise of a foreign country that may place at risk—

''(i) the science and technology of that foreign country; or

''(ii) federally funded research and development; and

''(C) practices within the research enterprise of a foreign country that do not adhere to the United States scientific values of openness, transparency, reciprocity, integrity, and merit-based competition.

''(f) PROGRAM OFFICE AND COMMITTEES.—The interagency working group established under section 1746 of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92) shall be a working group under the Council performing duties authorized under such section and as directed by the Council. The Council shall use any findings or work product, existing or forthcoming, by such working group. The Council may also establish a program office and any committees, working groups, or other constituent bodies the Council deems appropriate, in its sole and unreviewable discretion, to carry out its functions.

''(g) EXCLUSION ORDERS.—To reduce Federal research security risk, the Interagency Suspension and Debarment Committee shall provide quarterly reports to the Council that detail—

''(1) the number of ongoing investigations by Council Members related to Federal research security that may result, or have resulted, in agency pre-notice letters, suspensions, proposed debarments, and debarments;

''(2) Federal agencies' performance and compliance with interagency suspensions and debarments;

''(3) efforts by the Interagency Suspension and Debarment Committee to mitigate Federal research security risk;

''(4) proposals for developing a unified Federal policy on suspensions and debarments; and

''(5) other current suspension and debarment related issues.

''§ 7904. Strategic plan

''(a) IN GENERAL.—Not later than 180 days after the date of the enactment of this chapter, the Council shall develop a strategic plan for addressing Federal research security risks and for managing such risks, that includes—

''(1) the criteria and processes required under section 7903(a), including a threshold and requirements for sharing relevant information about such risks with all Executive agencies and, as appropriate, with other Federal entities, foreign governments, and non-Federal entities;

''(2) an identification of existing authorities for addressing such risks;

''(3) an identification and promulgation of best practices and procedures, and an identification of available resources, for Executive agencies to assess and mitigate such risks;

''(4) recommendations for any legislative, regulatory, or other policy changes to improve efforts to address such risks;

''(5) recommendations for any legislative, regulatory, or other policy changes to incentivize the adoption of best practices for avoiding and mitigating Federal research security risks by the United States research community and key United States foreign research partners;

''(6) an evaluation of the effect of implementing new policies or procedures on existing Federal grant processes, regulations, and disclosures of conflicts of interest and conflicts of commitment;

''(7) a plan for engaging with Executive agencies, the private sector, and other nongovernmental stakeholders to address such risks and share information between Executive agencies, the private sector, and nongovernmental stakeholders; and

''(8) a plan for identification, assessment, mitigation, and vetting of Federal research security risks.

''(b) SUBMISSION TO CONGRESS.—Not later than 7 calendar days after completion of the strategic plan required by subsection (a), the Chairperson of the Council shall submit the plan to the appropriate congressional committees.

''§ 7905. Annual report

''Not later than December 15 of each year, the Chairperson of the Council shall submit a report to the appropriate congressional committees that describes—

''(1) the activities of the Council during the preceding fiscal year; and

''(2) the progress made toward implementing the strategic plan required under section 7904 after such plan has been submitted to Congress.

''§ 7906. Requirements for Executive agencies

''(a) IN GENERAL.—The head of each Executive agency on the Council shall be responsible for—

''(1) assessing Federal research security risks posed by persons participating in federally funded research and development;

''(2) avoiding or mitigating such risks, as appropriate and consistent with the standards, guidelines, requirements, and practices identified by the Council under section 7903(a);

''(3) prioritizing Federal research security risk assessments conducted under paragraph (1) based on the applicability and relevance of the research and development to the national security and economic competitiveness of the United States; and

''(4) ensuring that all agency initiatives impacting Federally funded research grant making policy and management to protect the national and economic security interests of the United States are integrated with the activities of the Council.

''(b) INCLUSIONS.—The responsibility of the head of an Executive agency for assessing Federal research security risk described in subsection (a) includes—

''(1) developing an overall Federal research security risk management strategy and implementation plan and policies and processes to guide and govern Federal research security risk management activities by the Executive agency;

''(2) integrating Federal research security risk management practices throughout the lifecycle of the grant programs of the Executive agency;

''(3) sharing relevant information with other Executive agencies, as determined appropriate by the Council in a manner consistent with section 7903; and

''(4) reporting on the effectiveness of the Federal research security risk management strategy of the Executive agency consistent with guidance issued by the Office of Management and Budget and the Council.''.

(b) CLERICAL AMENDMENT.—The table of chapters at the beginning of title 31, United States Code, is amended by inserting after the item relating to chapter 77 the following new item:

''79. Federal Research Security Council ..... 7901.''.

SEC. __24. FEDERAL GRANT APPLICATION FRAUD.

(a) IN GENERAL.—Chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''§ 1041. Federal grant application fraud

''(a) DEFINITIONS.—In this section:

''(1) FEDERAL AGENCY.—The term 'Federal agency' has the meaning given the term 'agency' in section 551 of title 5, United States Code.

''(2) FEDERAL GRANT.—The term 'Federal grant'—

''(A) means a grant awarded by a Federal agency;

''(B) includes a subgrant awarded by a non-Federal entity to carry out a Federal grant program; and

''(C) does not include—

''(i) direct United States Government cash assistance to an individual;

''(ii) a subsidy;

''(iii) a loan;

''(iv) a loan guarantee; or

''(v) insurance.

''(3) FEDERAL GRANT APPLICATION.—The term 'Federal grant application' means an application for a Federal grant.

''(4) FOREIGN COMPENSATION.—The term 'foreign compensation' means a title, monetary compensation, access to a laboratory or other resource, or other benefit received from—

''(A) a foreign government;

''(B) a foreign government institution; or

''(C) a foreign public enterprise.

''(5) FOREIGN GOVERNMENT.—The term 'foreign government' includes a person acting or purporting to act on behalf of—

''(A) a faction, party, department, agency, bureau, subnational administrative entity, or military of a foreign country; or

''(B) a foreign government or a person purporting to act as a foreign government, regardless of whether the United States recognizes the government.

''(6) FOREIGN GOVERNMENT INSTITUTION.—The term 'foreign government institution' means a foreign entity owned by, subject to the control of, or subject to regulation by a foreign government.

''(7) FOREIGN PUBLIC ENTERPRISE.—The term 'foreign public enterprise' means an enterprise over which a foreign government directly or indirectly exercises a dominant influence.

''(8) LAW ENFORCEMENT AGENCY.—The term 'law enforcement agency'—

''(A) means a Federal, State, local, or Tribal law enforcement agency; and

''(B) includes—

''(i) the Office of Inspector General of an establishment (as defined in section 12 of the Inspector General Act of 1978 (5 U.S.C. App.)) or a designated Federal entity (as defined in section 8G(a) of the Inspector General Act of 1978 (5 U.S.C. App.)); and

''(ii) the Office of Inspector General, or similar office, of a State or unit of local government.

''(9) OUTSIDE COMPENSATION.—The term 'outside compensation' means any compensation, resource, or support regardless of monetary value made available to the applicant in support of or related to any research endeavor, including, but not limited to, a title, research grant, cooperative agreement, contract, institutional award, access to a laboratory, or other resource, including, but not limited to, materials, travel compensation, or work incentives.

''(b) PROHIBITION.—It shall be unlawful for any individual to knowingly—

''(1) prepare or submit a Federal grant application that fails to disclose the receipt of any outside compensation, including foreign compensation, by the individual;

''(2) forge, counterfeit, or otherwise falsify a document for the purpose of obtaining a Federal grant; or

''(3) prepare, submit, or assist in the preparation or submission of a Federal grant application or document in connection with a Federal grant application that—

''(A) contains a false statement;

''(B) contains a material misrepresentation;

''(C) has no basis in law or fact; or

''(D) fails to disclose a material fact.

''(c) EXCEPTION.—Subsection (b) does not apply to an activity—

''(1) carried out in connection with a lawfully authorized investigative, protective, or intelligence activity of—

''(A) a law enforcement agency; or

''(B) a Federal intelligence agency; or

''(2) authorized under chapter 224.

''(d) PENALTY.—Any individual who violates subsection (b)—

''(1) shall be fined in accordance with this title, imprisoned for not more than 5 years, or both; and

''(2) shall be prohibited from receiving a Federal grant during the 5-year period beginning on the date on which a sentence is imposed on the individual under paragraph (1).''.

(b) CLERICAL AMENDMENT.—The table of sections for chapter 47 of title 18, United States Code, is amended by adding at the end the following:

''1041. Federal grant application fraud.''.

SEC. __25. RESTRICTING THE ACQUISITION OF GOODS, TECHNOLOGIES, AND SENSITIVE INFORMATION TO CERTAIN ALIENS.

(a) GROUNDS OF INADMISSIBILITY.—Section 212(a)(3)(A)(i) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(3)(A)(i)) is amended to read as follows:

''(i) any activity—

''(I) to violate any law of the United States relating to espionage or sabotage;

''(II) to violate or evade any law prohibiting the export from the United States of goods, technologies, or sensitive information; or

''(III) to acquire export-controlled goods, technologies, or sensitive information (notwithstanding any exclusions for items not normally subject to export controls) if the Secretary of State has determined that the acquisition of those goods, technologies, or sensitive information by a category of aliens that includes such alien would be contrary to an articulable national security (including economic security) interest of the United States;''.

(b) DETERMINING FACTORS.—

(1) IN GENERAL.—In establishing criteria for determining whether an alien is included in a category of aliens that may be inadmissible under section 212(a)(3)(A)(i)(III) of the Immigration and Nationality Act, as amended by subsection (a), officials of the Department of State shall—

(A) seek advice and assistance from officials at the Office of the Director of National Intelligence, the Office of Science and Technology Policy, the Department of Health and Human Services, the Department of Defense, the Department of Homeland Security, the Department of Energy, the Department of Commerce, and other appropriate Federal agencies;

(B) consider factors such as the alien's past or likely employment or cooperation with—

(i) foreign military and security related organizations that are adversarial to the United States;

(ii) foreign institutions involved in the theft of United States research;

(iii) entities involved in export control violations or the theft of intellectual property; and

(iv) a government that seeks to undermine the integrity and security of the United States research community; and

(C) weigh the proportionality of risk for the factors listed in subparagraph (B).

(2) MACHINE-READABLE DOCUMENTS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of State shall—

(A) use a machine-readable visa application form; and

(B) make available documents submitted in support of a visa application in a machine readable format to assist in—

(i) identifying fraud;

(ii) conducting lawful law enforcement activities; and

(iii) determining the eligibility of applicants for a visa under the Immigration and Nationality Act (8 U.S.C. 1101 et seq.).

(c) REPORTING REQUIREMENT.—Not later than 180 days after the date of the enactment of this Act, and annually thereafter, the Secretary of State, in coordination with the Director of National Intelligence, the Director of the Office of Science and Technology Policy, the Secretary of Homeland Security, the Secretary of Defense, the Secretary of Energy, the Secretary of Commerce, and the heads of other appropriate Federal agencies, shall submit a report to Congress that identifies—

(1) the criteria used to describe the category of aliens to which such section 212(a)(3)(A)(i)(III) may apply; and

(2) the number of individuals determined to be inadmissible under such section 212(a)(3)(A)(i)(III), including the nationality of each such individual.

(d) CLASSIFICATION OF ANNUAL REPORT.—Each annual report required under subsection (c) shall be submitted, to the extent practicable, in an unclassified form, but may be accompanied by a classified appendix detailing the criteria used to describe the category of aliens to which such section 212(a)(3)(A)(i)(III) applies if the Secretary of State determines that such action—

(1) is in the national security and economic security interests of the United States; or

(2) is necessary to further the purposes of this subtitle.

(e) REPORT.—Not later than 45 days after date of the enactment of this Act, the Secretary of State shall submit a report to the Committee on Homeland Security and Governmental Affairs of the Senate, the Committee on Commerce, Science, and Transportation of the Senate, the Select Committee on Intelligence of the Senate, the Committee on Foreign Relations of the Senate; the Committee on Oversight and Reform of the House of Representatives, the Committee on Homeland Security of the House of Representatives, the Committee on Energy and Commerce of the House of Representatives, the Permanent Select Committee on Intelligence of the House of Representatives, and the Committee on Foreign Affairs of the House of Representatives that—

(1) describes how supplementary documents provided by a visa applicant in support of a visa application are stored and shared by the Department of State with authorized Federal agencies;

(2) identifies the sections of a visa application that are machine-readable and the sections that are not machine-readable;

(3) provides cost estimates, including personnel costs and a cost-benefit analysis for adopting different technologies, including optical character recognition, for—

(A) making every element of a visa application, and documents submitted in support of a visa application, machine-readable; and

(B) ensuring that such system—

(i) protects personally-identifiable information; and

(ii) permits the sharing of visa information with Federal agencies in accordance with existing law; and

(4) includes an estimated timeline for completing the implementation of subsection (b)(2).

SEC. 26. LIMITATIONS ON EDUCATIONAL AND CULTURAL EXCHANGE PROGRAMS.

Section 102(b)(5) of the Mutual Educational and Cultural Exchange Act of 1961 (22 U.S.C. 2452(b)(5)) is amended by striking the semicolon at the end and inserting the following: ''by developing exchange programs for foreign researchers and scientists, while protecting technologies regulated by export control laws important to the national security and economic interests of the United States, including requiring sponsors—

''(A) to disclose to the Department of State whether an exchange visitor, as a primary part of his or her exchange program, will have released to them controlled technology or technical data regulated by export control laws at sponsor organizations through research activities, lectures, course work, sponsor employees, officers, agents, third parties at which the sponsor places the exchange visitor, volunteers, or other individuals or entities associated with a sponsor's administration of the exchange visitor program;

''(B) to provide a plan to the Department of State that establishes appropriate program safeguards to prevent the unauthorized release of controlled technology or technical data regulated by export control laws at sponsor organizations or through their employees, officers, agents, third parties, volunteers, or other individuals or entities associated with a sponsor's administration of the exchange visitor program; and

''(C) to demonstrate, to the satisfaction of the Secretary of State, that programs that will release controlled technology or technical data to an exchange visitor at the sponsor organization through exchange visitor programs have received appropriate authorization from the Department of State, the Department of Commerce, other cognizant Federal agency before the sponsor releases controlled technology or technical data;''.

SEC. 27. AMENDMENTS TO DISCLOSURES OF FOREIGN GIFTS.

Section 117 of the Higher Education Act of 1965 (20 U.S.C. 1011f) is amended—

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

''(a) DISCLOSURE REPORT.—

''(1) IN GENERAL.—An institution shall file a disclosure report with the Secretary not later than March 31 occurring after—

''(A) the calendar year in which a foreign source gains ownership of, or control over, the institution; or

''(B) the calendar year in which the institution receives a gift from, or enters into a contract with, a foreign source, the value of which is $50,000 or more, considered alone or in combination with all other gifts from or contracts with that foreign source within a calendar year.

''(2) REVISIONS; UPDATES.—The Secretary shall permit institutions to revise and update disclosure reports previously filed to ensure accuracy, compliance, and the ability to cure.'';

(2) by amending subsection (b) to read as follows:

''(b) CONTENTS OF REPORT.—Each report to the Secretary required by this section shall contain the following:

''(1) For gifts received from or contracts entered into with a foreign source other than a foreign government, the aggregate dollar amount of such gifts and contracts attributable to a particular country and the legal or formal name of the foreign source. The country to which a gift is attributable is the country of citizenship, or if unknown, the principal residence for a foreign source who is a natural person, and the country of incorporation, or if unknown, the principal place of business, for a foreign source which is a legal entity.

''(2) For gifts received from or contracts entered into with a foreign government, the aggregate amount of such gifts and contracts received from each foreign government.

''(3) In the case of an institution which is owned or controlled by a foreign source, the identity of the foreign source, the date on which the foreign source assumed ownership or control, and any changes in program or structure resulting from the change in ownership or control.

''(4) An assurance that the institution will maintain true copies of gift and contract agreements subject to the disclosure requirements under this section for at least the duration of the agreement.

''(5) An assurance that the institution will produce true copies of gift and contract agreements subject to the disclosure requirements under this section upon request of the Secretary during a compliance audit or other institutional investigation.'';

(3) by amending subsection (e) to read as follows:

''(e) PUBLIC INSPECTION.—Not later than 30 days after receiving a disclosure report under this section, the Secretary shall make such report electronically available to the public for downloading on a searchable database under which institutions can be individually identified and compared.'';

(4) in subsection (f), by adding at the end the following:

''(3) FINES.—

''(A) IN GENERAL.—The Secretary may impose a fine on any institution that repeatedly fails to file a disclosure report for a receipt of a gift from or contract with a foreign source in accordance with subsection (a) in an amount that is not more than 3 times the amount of the gift or contract with the foreign source.

''(B) DEFINITION OF REPEATEDLY FAILS.—In this paragraph, the term 'repeatedly fails' means that the institution failed to file a disclosure report for a receipt of a gift from or contract with a foreign source in 3 consecutive years.'';

(5) by amending subsection (g) to read as follows:

''(g) RULEMAKING.—

''(1) IN GENERAL.—Not later than 1 year after the date of enactment of the Safeguarding American Innovation Act, the Secretary shall issue regulations to carry out this section using the negotiated rulemaking procedure set forth in section 492(b).

''(2) ELEMENTS.—Regulations issued pursuant to paragraph (1) shall—

''(A) incorporate instructions for—

''(i) reporting structured gifts and contracts; and

''(ii) reporting contracts that balances the need for transparency, while protecting the proprietary information of institutes of higher education; and

''(B) clarify the definition of 'subunit', for purposes of subsection (i)(4)(C).'';

(6) by redesignating subsection (h) as subsection (i);

(7) by inserting after subsection (g) the following:

''(h) TREATMENT OF TUITION PAYMENT.—A tuition and related fees and expenses payment to an institution by, or a scholarship from, a foreign source made on behalf of a student enrolled at such institution shall not be considered a gift from or contract with a foreign source under this section.''; and

(8) in subsection (i), as redesignated—

(A) in paragraph (3), by striking ''or property'' and inserting '', property, human resources, or staff, including staff salaries''; and

(B) in paragraph (5)(B), by inserting ''institutes, instructional programs,'' after ''centers,''.

Subtitle C—CHIPS for America Act (Creating Helpful Incentives to Produce Semiconductors for America)

SEC. _31. SEMICONDUCTOR INCENTIVE GRANTS.

(a) DEFINITIONS.—In this section—

(1) the term ''appropriate committees of Congress'' means—

(A) the Select Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(B) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Appropriations, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives;

(2) the term ''covered entity'' means a private entity, a consortium of private entities, or a consortium of public and private entities with a demonstrated ability to construct, expand, or modernize a facility relating to the fabrication, assembly, testing, advanced packaging, or advanced research and development of semiconductors;

(3) the term ''covered incentive''—

(A) means an incentive offered by a governmental entity to a covered entity for the purposes of constructing within the jurisdiction of the governmental entity, or expanding or modernizing an existing facility within that jurisdiction, a facility described in paragraph (2); and

(B) includes any tax incentive (such as an incentive or reduction with respect to employment or payroll taxes or a tax abatement with respect to personal or real property), a workforce-related incentive (including a grant agreement relating to workforce training or vocational education), any concession with respect to real property, funding for research and development with respect to semiconductors, and any other incentive determined appropriate by the Secretary, in consultation with the Secretary of State;

(4) the term ''foreign adversary'' means any foreign government or foreign nongovernment person that is engaged in a long-term pattern, or is involved in a serious instance, of conduct that is significantly adverse to—

(A) the national security of the United States or an ally of the United States; or

(B) the security and safety of United States persons;

(5) the term ''governmental entity'' means a State or local government;

(6) the term ''Secretary'' means the Secretary of Commerce; and

(7) the term ''semiconductor'' has the meaning given the term by the Secretary.

(b) GRANT PROGRAM.—

(1) IN GENERAL.—The Secretary shall establish in the Department of Commerce a program that, in accordance with the requirements of this section, provides grants to covered entities.

(2) PROCEDURE.—

(A) IN GENERAL.—A covered entity shall submit to the Secretary an application that describes the project for which the covered entity is seeking a grant under this section.

(B) ELIGIBILITY.—In order for a covered entity to qualify for a grant under this section, the covered entity shall demonstrate to the Secretary, in the application submitted by the covered entity under subparagraph (A), that—

(i) the covered entity has a documented interest in constructing, expanding, or modernizing a facility described in subsection (a)(2); and

(ii) with respect to the project described in clause (i), the covered entity has—

(I) been offered a covered incentive;

(II) made commitments to worker and community investment, including through—

(aa) training and education benefits paid by the covered entity; and

(bb) programs to expand employment opportunity for economically disadvantaged individuals; and

(III) secured commitments from regional educational and training entities and institutions of higher education to provide workforce training, including programming for training and job placement of economically disadvantaged individuals.

(C) CONSIDERATIONS FOR REVIEW.—With respect to the review by the Secretary of an application submitted by a covered entity under subparagraph (A)—

(i) the Secretary may not approve the application unless the Secretary—

(I) confirms that the covered entity has satisfied the eligibility criteria under subparagraph (B); and

(II) determines that the project to which the application relates is in the interest of the United States; and

(ii) the Secretary may consider whether—

(I) the covered entity has previously received a grant made under this subsection; and

(II) the governmental entity offering the applicable covered incentive has benefitted from a grant previously made under this subsection.

(3) AMOUNT.—The amount of a grant made by the Secretary to a covered entity under this subsection shall be in an amount that is not more than $3,000,000,000.

(4) USE OF FUNDS.—A covered entity that receives a grant under this subsection may only use the grant amounts to—

(A) finance the construction, expansion, or modernization of a facility described in subsection (a)(2), as documented in the application submitted by the covered entity under paragraph (2)(A), or for similar uses in state of practice and legacy facilities, as determined necessary by the Secretary for purposes relating to the national security and economic competitiveness of the United States;

(B) support workforce development for the facility described in subparagraph (A); or

(C) support site development for the facility described in subparagraph (A).

(5) CLAWBACK.—The Secretary shall recover the full amount of a grant provided to a covered entity under this subsection if—

(A) as of the date that is 5 years after the date on which the Secretary makes the grant, the project to which the grant relates has not been completed, except that the Secretary may issue a waiver with respect to the requirement under this subparagraph if the Secretary determines that issuing such a waiver is appropriate and in the interests of the United States; or

(B) during the applicable term with respect to the grant, the covered entity engages in any joint research or technology licensing effort—

(i) with the Government of the People's Republic of China, the Government of the Russian Federation, the Government of Iran, the Government of North Korea, or another foreign adversary; and

(ii) that relates to a sensitive technology or product, as determined by the Secretary.

(c) CONSULTATION AND COORDINATION REQUIRED.—In carrying out the program established under subsection (b), the Secretary shall consult and coordinate with the Secretary of State and the Secretary of Defense.

(d) GAO REVIEWS.—The Comptroller General of the United States shall—

(1) not later than 2 years after the date of enactment of this Act, and biennially thereafter until the date that is 10 years after that date of enactment, conduct a review of the program established under subsection (b), which shall include, at a minimum—

(A) a determination of the number of instances in which grants were provided under that subsection during the period covered by the review in violation of a requirement of this section;

(B) an evaluation of how—

(i) the program is being carried out, including how recipients of grants are being selected under the program; and

(ii) other Federal programs are leveraged for manufacturing, research, and training to complement the grants awarded under the program; and

(C) a description of the outcomes of projects supported by grants made under the program, including a description of—

(i) facilities described in subsection (a)(2) that were constructed, expanded, or modernized as a result of grants made under the program;

(ii) research and development carried out with grants made under the program; and

(iii) workforce training programs carried out with grants made under the program, including efforts to hire individuals from disadvantaged populations; and

(2) submit to the appropriate committees of Congress the results of each review conducted under paragraph (1).

SEC. _32. DEPARTMENT OF DEFENSE.

(a) DEPARTMENT OF DEFENSE EFFORTS.—

(1) IN GENERAL.—The Secretary of Defense shall, in consultation with the Secretary of Commerce, the Secretary of Homeland Security, and the Director of National Intelligence, work with the private sector through a public-private partnership, including by incentivizing the formation of a consortium of United States companies, to ensure the development and production of advanced, measurably secure microelectronics for use by the Department of Defense, the intelligence community, critical infrastructure sectors, and other national security applications. Such work may include providing incentives for the creation, expansion, or modernization of one or more commercially competitive and sustainable microelectronics manufacturing or advanced research and development facilities.

(2) RISK MITIGATION REQUIREMENTS.—A participant in a consortium formed with incentives under paragraph (1) shall—

(A) have the potential to perform fabrication, assembly, package, or test functions for microelectronics deemed critical to national security as defined by export control regulatory agencies in consultation with the National Security Adviser and the Secretary of Defense;

(B) include management processes to identify and mitigate supply chain security risks; and

(C) be able to produce microelectronics consistent with applicable measurably secure supply chain and operational security standards established under section 224(b) of the National Defense Authorization Act for Fiscal Year 2020 (Public Law 116–92).

(3) NATIONAL SECURITY CONSIDERATIONS.—The Secretary of Defense and the Director of National Intelligence shall select participants for the consortium formed with incentives under paragraph (1). In selecting such participants, the Secretary and the Director may jointly consider whether the United States companies—

(A) have participated in previous programs and projects of the Department of Defense, Department of Energy, or the intelligence community, including—

(i) the Trusted Integrated Circuit program of the Intelligence Advanced Research Projects Activity;

(ii) trusted and assured microelectronics projects, as administered by the Department of Defense;

(iii) the Electronics Resurgence Initiative (ERI) program of the Defense Advanced Research Projects Agency; or

(iv) relevant semiconductor research programs of Advanced Research Projects Agency–Energy;

(B) have demonstrated an ongoing commitment to performing contracts for the Department of Defense and the intelligence community;

(C) are approved by the Defense Counterintelligence and Security Agency or the Office of the Director of National Intelligence as presenting an acceptable security risk, taking into account supply chain assurance vulnerabilities, counterintelligence risks, and any risks presented by companies whose owners are located outside the United States; and

(D) are evaluated periodically for foreign ownership, control, or influence by foreign adversaries.

(4) NONTRADITIONAL DEFENSE CONTRACTORS AND COMMERCIAL ENTITIES.—Arrangements entered into to carry out paragraph (1) shall be in such form as the Secretary of Defense determines appropriate to encourage industry participation of nontraditional defense contractors or commercial entities and may include a contract, a grant, a cooperative agreement, a commercial agreement, the use of other transaction authority under section 2371 of title 10, United States Code, or another such arrangement.

(5) DISCHARGE.—The Secretary of Defense shall carry out paragraph (1) jointly through the Office of the Under Secretary of Defense for Research and Engineering and the Office of the Under Secretary of Defense for Acquisition and Sustainment, or such other component of the Department of Defense as the Secretary considers appropriate.

(6) OTHER INITIATIVES.—The Secretary of Defense shall dedicate initiatives within the Department of Defense to advance radio frequency, mixed signal, radiation tolerant, and radiation hardened microelectronics that support national security and dual-use applications.

(7) REPORTS.—

(A) REPORT BY SECRETARY OF DEFENSE.—Not later than 90 days after the date of the enactment of this Act, the Secretary of Defense shall submit to Congress a report on the plans of the Secretary to carry out paragraph (1).

(B) BIENNIAL REPORTS BY COMPTROLLER GENERAL OF THE UNITED STATES.—Not later than 1 year after the date on which the Secretary submits the report required by subparagraph (A) and not less frequently than once every 2 years thereafter for a period of 10 years, the Comptroller General of the United States shall submit to Congress a report on the activities carried out under this subsection.

(b) DEFENSE PRODUCTION ACT OF 1950 EFFORTS.—

(1) IN GENERAL.—Not later than 120 days after the date of the enactment of this Act, the President shall submit to Congress a report on a plan for use by the Department of Defense of authorities available in title III of the Defense Production Act of 1950 (50 U.S.C. 4531 et seq.) to establish and enhance a domestic production capability for microelectronics technologies and related technologies, subject to the availability of appropriations for that purpose.

(2) CONSULTATION.—The President shall develop the plan required by paragraph (1) in coordination with the Secretary of Defense, and in consultation with the Secretary of State, the Secretary of Commerce, and appropriate stakeholders in the private sector.

(c) DEPARTMENT OF DEFENSE REQUIREMENTS FOR SOURCING FROM DOMESTIC MICROELECTRONICS DESIGN AND FOUNDRY SERVICES.—

(1) REQUIREMENTS REQUIRED.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Defense, in coordination with the Secretary of Energy, the Secretary of Homeland Security, and the Director of National Intelligence, shall establish requirements, standards, and a timeline for enforcement of such requirements, to the extent possible, for domestic sourcing for microelectronics design and foundry services, and for commercial microelectronics products, by programs, contractors, subcontractors, and other recipients of funding from the Department of Defense, Department of Energy, Department of Homeland Security, and the Director of National Intelligence.

(2) PROCESSES FOR WAIVERS.—The requirements established under paragraph (1) shall include processes to permit waivers for specific contracts or transactions for domestic sourcing requirements based on cost, availability, severity of technical and mission requirements, emergency requirements and operational needs, other legal or international treaty obligations, or other factors.

(3) UPDATES.—Not less frequently than once each year, the Secretary shall—

(A) update the requirements and timelines established under paragraph (1) and the processes under paragraph (2); and

(B) submit to Congress a report on the updates made under subparagraph (A).

SEC. 33. DEPARTMENT OF COMMERCE STUDY ON STATUS OF MICROELECTRONICS TECHNOLOGIES IN THE UNITED STATES INDUSTRIAL BASE.

(a) IN GENERAL.—Commencing not later than 120 days after the date of the enactment of this Act, the Secretary of Commerce and the Secretary of Homeland Security, in consultation with the Secretary of Defense and the heads of other appropriate Federal departments and agencies, shall undertake a review, which shall include a survey, using authorities in section 705 of the Defense Production Act (50 U.S.C. 4555), to assess the capabilities of the United States industrial base to support the national defense in light of the global nature of the supply chain and significant interdependencies between the United States industrial base and the industrial base of foreign countries with respect to the manufacture, design, and end use of microelectronics.

(b) RESPONSE TO SURVEY.—The Secretary shall ensure compliance with the survey from among all relevant potential respondents, including the following:

(1) Corporations, partnerships, associations, or any other organized groups domiciled and with substantial operations in the United States.

(2) Corporations, partnerships, associations, or any other organized groups domiciled in the United States with operations outside the United States.

(3) Foreign domiciled corporations, partnerships, associations, or any other organized groups with substantial operations or business presence in, or substantial revenues derived from, the United States.

(4) Foreign domiciled corporations, partnerships, associations, or any other organized groups in defense treaty or assistance countries where the production of the entity concerned involves critical technologies covered by section 2.

(c) INFORMATION REQUESTED.—The information sought from a responding entity pursuant to the survey required by subsection (a) shall include, at minimum, information on the following with respect to the manufacture. design, or end use of microelectronics by such entity:

(1) An identification of the geographic scope of operations.

(2) Information on relevant cost structures.

(3) An identification of types of microelectronics development, manufacture, assembly, test, and packaging equipment in operation at such entity.

(4) An identification of all relevant intellectual property, raw materials, and semifinished goods and components sourced domestically and abroad by such entity.

(5) Specifications of the microelectronics manufactured or designed by such entity, descriptions of the end-uses of such microelectronics, and a description of any technical support provided to end-users of such microelectronics by such entity.

(6) Information on domestic and export market sales by such entity.

(7) Information on the financial performance, including income and expenditures, of such entity.

(8) A list of all foreign and domestic subsidies, and any other financial incentives, received by such entity in each market in which such entity operates.

(9) A list of information requests from the People's Republic of China to such entity, and a description of the nature of each request and the type of information provided.

(10) Information on any joint ventures, technology licensing agreements, and cooperative research or production arrangements of such entity.

(11) A description of efforts by such entity to evaluate and control supply chain risks it faces.

(12) A list and description of any sales, licensing agreements, or partnerships between such entity and the People's Liberation Army or People's Armed Police, including any business relationships with entities through which such sales, licensing agreements, or partnerships may occur.

(d) REPORT.—

(1) IN GENERAL.—The Secretary of Commerce shall, in consultation with the Secretary of Defense, the Secretary of Homeland Security, and the heads of other appropriate Federal departments and agencies, submit to

Congress a report on the results of the review required by subsection (a). The report shall include the following:

(A) An assessment of the results of the survey.

(B) A list of critical technology areas impacted by potential disruptions in production of microelectronics, and a detailed description and assessment of the impact of such potential disruptions on such areas.

(C) A description and assessment of gaps and vulnerabilities in the microelectronics supply chain and the national industrial supply base.

(2) FORM.—The report required by paragraph (1) may be submitted in classified form.

SEC. 34. FUNDING FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE MICROELECTRONICS AND MEASURABLY SECURE MICROELECTRONICS SUPPLY CHAINS.

(a) MULTILATERAL MICROELECTRONICS SECURITY FUND.—

(1) ESTABLISHMENT OF FUND.—There is established in the Treasury of the United States a trust fund, to be known as the ''Multilateral Microelectronics Security Fund'' (in this section referred to as the ''Fund''), consisting of such amounts as may be appropriated to such Fund and any amounts that may be credited to the Fund under paragraph (2).

(2) INVESTMENT OF AMOUNTS.—

(A) INVESTMENT OF AMOUNTS.—The Secretary of the Treasury shall invest such portion of the Fund as is not required to meet current withdrawals in interest-bearing obligations of the United States or in obligations guaranteed as to both principal and interest by the United States.

(B) INTEREST AND PROCEEDS.—The interest on, and the proceeds from the sale or redemption of, any obligations held in the Fund shall be credited to and form a part of the Fund.

(3) USE OF FUND.—

(A) IN GENERAL.—Subject to subparagraph (B), amounts in the Fund shall be available, as provided in advance in an appropriations Act, to the Secretary of State—

(i) to provide funding through the common funding mechanism described in subsection (b)(1) to support the development and adoption of measurably secure microelectronics and measurably secure microelectronics supply chains; and

(ii) to otherwise carry out this section.

(B) AVAILABILITY CONTINGENT ON INTERNATIONAL AGREEMENT.—Amounts in the Fund shall be available to the Secretary of State on and after the date on which the Secretary enters into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism under paragraph (1) of subsection (b) and the commitments described in paragraph (2) of that subsection.

(4) AVAILABILITY OF AMOUNTS.—

(A) IN GENERAL.—Amounts in the Fund shall remain available through the end of the tenth fiscal year beginning after the date of the enactment of this Act.

(B) REMAINDER TO TREASURY.—Any amounts remaining in the Fund after the end of the fiscal year described in subparagraph (A) shall be deposited in the general fund of the Treasury.

(b) COMMON FUNDING MECHANISM FOR DEVELOPMENT AND ADOPTION OF MEASURABLY SECURE MICROELECTRONICS AND MEASURABLY SECURE MICROELECTRONICS SUPPLY CHAINS.—

(1) IN GENERAL.—The Secretary of State, in consultation with the Secretary of Commerce, the Secretary of Defense, the Secretary of Homeland Security, the Secretary of the Treasury, and the Director of National Intelligence, shall seek to establish a common funding mechanism, in coordination with the governments of countries that are partners of the United States, that uses amounts from the Fund, and amounts committed by such governments, to support the development and adoption of secure microelectronics and secure microelectronics supply chains, including for use in research and development collaborations among countries participating in the common funding mechanism.

(2) MUTUAL COMMITMENTS.—The Secretary of State, in consultation with the United States Trade Representative, the Secretary of the Treasury, and the Secretary of Commerce, shall seek to negotiate a set of mutual commitments with the governments of countries that are partners of the United States upon which to condition any expenditure of funds pursuant to the common funding mechanism described in paragraph (1). Such commitments shall, at a minimum—

(A) establish transparency requirements for any subsidies or other financial benefits (including revenue foregone) provided to microelectronics firms located in or outside such countries;

(B) establish consistent policies with respect to countries that—

(i) are not participating in the common funding mechanism; and

(ii) do not meet transparency requirements established under subparagraph (A);

(C) promote harmonized treatment of microelectronics and verification processes for items being exported to a country considered a national security risk by a country participating in the common funding mechanism;

(D) establish consistent policies and common external policies to address nonmarket economies as the behavior of such countries pertains to microelectronics;

(E) align policies on supply chain integrity and microelectronics security, including with respect to protection and enforcement of intellectual property rights; and

(F) promote harmonized foreign direct investment screening measures with respect to microelectronics to align with national and multilateral security priorities.

(c) ANNUAL REPORT TO CONGRESS.—Not later than one year after the date of the enactment of this Act, and annually thereafter for each fiscal year during which amounts in the Fund are available under subsection (a)(4), the Secretary of State shall submit to Congress a report on the status of the implementation of this section that includes a description of—

(1) any commitments made by the governments of countries that are partners of the United States to providing funding for the common funding mechanism described in subsection (b)(1) and the specific amount so committed;

(2) the criteria established for expenditure of funds through the common funding mechanism;

(3) how, and to whom, amounts have been expended from the Fund;

(4) amounts remaining in the Fund;

(5) the progress of the Secretary of State toward entering into an agreement with the governments of countries that are partners of the United States to participate in the common funding mechanism and the commitments described in subsection (b)(2); and

(6) any additional authorities needed to enhance the effectiveness of the Fund in achieving the security goals of the United States.

SEC. 35. ADVANCED SEMICONDUCTOR RESEARCH AND DESIGN.

(a) APPROPRIATE COMMITTEES OF CONGRESS.—In this section, the term ''appropriate committees of Congress'' means—

(1) the Committee on Intelligence, the Committee on Commerce, Science, and Transportation, the Committee on Foreign Relations, the Committee on Armed Services, the Committee on Energy and Natural Resources, the Committee on Appropriations, the Committee on Banking, Housing, and Urban Affairs, and the Committee on Homeland Security and Governmental Affairs of the Senate; and

(2) the Permanent Select Committee on Intelligence, the Committee on Energy and Commerce, the Committee on Foreign Affairs, the Committee on Armed Services, the Committee on Science, Space, and Technology, the Committee on Financial Services, and the Committee on Homeland Security of the House of Representatives.

(b) SENSE OF CONGRESS.—It is the sense of Congress that the leadership of the United States in semiconductor technology and innovation is critical to the economic growth and national security of the United States.

(c) SUBCOMMITTEE ON SEMICONDUCTOR LEADERSHIP.—

(1) ESTABLISHMENT REQUIRED.—The President shall establish in the National Science and Technology Council a subcommittee on matters relating to leadership of the United States in semiconductor technology and innovation.

(2) DUTIES.—The duties of the subcommittee established under paragraph (1) are as follows:

(A) NATIONAL STRATEGY ON SEMICONDUCTOR RESEARCH.—

(i) DEVELOPMENT.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology and in consultation with the semiconductor industry and academia, develop a national strategy on semiconductor research, development, manufacturing, and supply chain security, including guidance for the funding of research, and strengthening of the domestic microelectronics workforce.

(ii) REPORTING AND UPDATES.—Not less frequently than once every 5 years, to update the strategy developed under clause (i) and to submit the revised strategy to the appropriate committees of Congress.

(iii) IMPLEMENTATION.—In coordination with the Secretary of Defense, the Secretary of Energy, the Secretary of State, the Secretary of Commerce, the Secretary of Homeland Security, the Director of the National Science Foundation, and the Director of the National Institute of Standards and Technology, on an annual basis coordinate and recommend each agency's semiconductor related research and development programs and budgets to ensure consistency with the National Semiconductor Strategy.

(B) FOSTERING COORDINATION OF RESEARCH AND DEVELOPMENT.—To foster the coordination of semiconductor research and development.

(3) SUNSET.—The subcommittee established under paragraph (1) shall terminate on the date that is 10 years after the date of enactment of this Act.

(d) INDUSTRIAL ADVISORY COMMITTEE.—The President shall establish a standing subcommittee of the President's Council of Advisors on Science and Technology to advise the United States Government on matters relating to microelectronics policy.

(e) NATIONAL SEMICONDUCTOR TECHNOLOGY CENTER.—

(1) ESTABLISHMENT.—The Secretary of Commerce shall establish a national semiconductor technology center to conduct research and prototyping of advanced semiconductor technology to strengthen the economic competitiveness and security of the domestic supply chain, which will be operated as a public private-sector consortium with participation from the private sector, the Department of Defense, the Department of Energy, the Department of Homeland Security, the National Science Foundation, and the National Institute of Standards and Technology.

(2) FUNCTIONS.—The functions of the center established under paragraph (1) shall be as follows:

(A) To conduct advanced semiconductor manufacturing, design research and prototyping that strengthens the entire domestic ecosystem and is aligned with the National Strategy on Semiconductor Research.

(B) To establish a National Advanced Packaging Manufacturing Program led by the National Institute of Standards and Technology, in coordination with the Center, to strengthen semiconductor advanced test, assembly, and packaging capability in the domestic ecosystem, and which shall coordinate with the Manufacturing USA institute established under paragraph (4).

(C) To establish an investment fund, in partnership with the private sector, to support startups in the domestic semiconductor ecosystem.

(D) To establish a Semiconductor Manufacturing Program through the Director of the National Institute of Standards and Technology to enable advances and breakthroughs in measurement science, standards, material characterization, instrumentation, testing, and manufacturing capabilities that will accelerate the underlying research and development for metrology of next generation semiconductors and ensure the competitiveness and leadership of the United States within this sector.

(E) To work with the Secretary of Labor, the private sector, educational institutions, and workforce training entities to develop workforce training programs and apprenticeships in advanced microelectronic packaging capabilities.

(3) COMPONENTS.—The fund established under paragraph (2)(C) shall cover the following:

(A) Advanced metrology and characterization for manufacturing of microchips using 3 nanometer transistor processes or more advanced processes.

(B) Metrology for security and supply chain verification.

(4) CREATION OF A MANUFACTURING USA INSTITUTE.—The fund established under paragraph (2)(C) may also cover the creation of a Manufacturing USA institute described in section 34(d) of the National Institute of Standards and Technology Act (15 U.S.C. 278s(d)) that is focused on semiconductor manufacturing. Such institute may emphasize the following:

(A) Research to support the virtualization and automation of maintenance of semiconductor machinery.

(B) Development of new advanced test, assembly and packaging capabilities.

(C) Developing and deploying educational and skills training curricula needed to support the industry sector and ensure the U.S. can build and maintain a trusted and predictable talent pipeline.

(f) DOMESTIC PRODUCTION REQUIREMENTS.—The head of any executive agency receiving funding under this section shall develop policies to require domestic production, to the extent possible, for any intellectual property resulting from microelectronics research and development conducted as a result of these funds and domestic control requirements to protect any such intellectual property from foreign adversaries.

SEC. __36. PROHIBITION RELATING TO FOREIGN ADVERSARIES.

None of the funds appropriated pursuant to an authorization in this subtitle may be provided to an entity—

(1) under the foreign ownership, control, or influence of the Government of the People's Republic of China or the Chinese Communist Party, or other foreign adversary (as defined in section 301(a)(4)); or

(2) determined to have beneficial ownership from foreign individuals subject to the jurisdiction, direction, or influence of foreign adversaries (as so defined).

Subtitle D—Critical Minerals

SEC. __41. MINERAL SECURITY.

(a) DEFINITIONS.—In this section:

(1) BYPRODUCT.—The term ''byproduct'' means a critical mineral—

(A) the recovery of which depends on the production of a host mineral that is not designated as a critical mineral; and

(B) that exists in sufficient quantities to be recovered during processing or refining.

(2) CRITICAL MINERAL.—

(A) IN GENERAL.—The term ''critical mineral'' means any mineral, element, substance, or material designated as critical by the Secretary under subsection (c).

(B) EXCLUSIONS.—The term ''critical mineral'' does not include—

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

(ii) water, ice, or snow.

(3) INDIAN TRIBE.—The term ''Indian tribe'' has the meaning given the term in section 4 of the Indian Self-Determination and Education Assistance Act (25 U.S.C. 5304).

(4) SECRETARY.—The term ''Secretary'' means the Secretary of the Interior.

(5) STATE.—The term ''State'' means—

(A) a State;

(B) the District of Columbia;

(C) the Commonwealth of Puerto Rico;

(D) Guam;

(E) American Samoa;

(F) the Commonwealth of the Northern Mariana Islands; and

(G) the United States Virgin Islands.

(b) POLICY.—

(1) IN GENERAL.—Section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602) is amended in the second sentence—

(A) by striking paragraph (3) and inserting the following:

''(3) establish an analytical and forecasting capability for identifying critical mineral demand, supply, and other factors to allow informed actions to be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts;'';

(B) in paragraph (6), by striking ''and'' after the semicolon at the end; and

(C) by striking paragraph (7) and inserting the following:

''(7) facilitate the availability, development, and environmentally responsible production of domestic resources to meet national material or critical mineral needs;

''(8) avoid duplication of effort, prevent unnecessary paperwork, and minimize delays in the administration of applicable laws (including regulations) and the issuance of permits and authorizations necessary to explore for, develop, and produce critical minerals and to construct critical mineral manufacturing facilities in accordance with applicable environmental and land management laws;

''(9) strengthen—

''(A) educational and research capabilities at not lower than the secondary school level; and

''(B) workforce training for exploration and development of critical minerals and critical mineral manufacturing;

''(10) bolster international cooperation through technology transfer, information sharing, and other means;

''(11) promote the efficient production, use, and recycling of critical minerals;

''(12) develop alternatives to critical minerals; and

''(13) establish contingencies for the production of, or access to, critical minerals for which viable sources do not exist within the United States.''.

(2) CONFORMING AMENDMENT.—Section 2(b) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1601(b)) is amended by striking ''(b) As used in this Act, the term'' and inserting the following:

''(b) DEFINITIONS.—In this Act:

''(1) CRITICAL MINERAL.—The term 'critical mineral' means any mineral, element, substance, or material designated as critical by the Secretary under section 401(c) of the Restoring Critical Supply Chains and Intellectual Property Act.

''(2) MATERIALS.—The term''.

(c) CRITICAL MINERAL DESIGNATIONS.—

(1) DRAFT METHODOLOGY AND LIST.—The Secretary, acting through the Director of the United States Geological Survey (referred to in this subsection as the ''Secretary''), shall publish in the Federal Register for public comment—

(A) a description of the draft methodology used to identify a draft list of critical minerals;

(B) a draft list of minerals, elements, substances, and materials that qualify as critical minerals; and

(C) a draft list of critical minerals recovered as byproducts.

(2) AVAILABILITY OF DATA.—If available data is insufficient to provide a quantitative basis for the methodology developed under this subsection, qualitative evidence may be used to the extent necessary.

(3) FINAL METHODOLOGY AND LIST.—After reviewing public comments on the draft methodology and the draft lists published under paragraph (1) and updating the methodology and lists as appropriate, not later than 45 days after the date on which the public comment period with respect to the draft methodology and draft lists closes, the Secretary shall publish in the Federal Register—

(A) a description of the final methodology for determining which minerals, elements, substances, and materials qualify as critical minerals;

(B) the final list of critical minerals; and

(C) the final list of critical minerals recovered as byproducts.

(4) DESIGNATIONS.—

(A) IN GENERAL.—For purposes of carrying out this subsection, the Secretary shall maintain a list of minerals, elements, substances, and materials designated as critical, pursuant to the final methodology published under paragraph (3), that the Secretary determines—

(i) are essential to the economic or national security of the United States;

(ii) the supply chain of which is vulnerable to disruption (including restrictions associated with foreign political risk, abrupt demand growth, military conflict, violent unrest, anti-competitive or protectionist behaviors, and other risks throughout the supply chain); and

(iii) serve an essential function in the manufacturing of a product (including energy technology-, defense-, currency-, agriculture-, consumer electronics-, and health care-related applications), the absence of which would have significant consequences for the

economic or national security of the United States.

(B) INCLUSIONS.—Notwithstanding the criteria under paragraph (3), the Secretary may designate and include on the list any mineral, element, substance, or material determined by another Federal agency to be strategic and critical to the defense or national security of the United States.

(C) REQUIRED CONSULTATION.—The Secretary shall consult with the Secretaries of Defense, Commerce, Agriculture, and Energy and the United States Trade Representative in designating minerals, elements, substances, and materials as critical under this paragraph.

(5) SUBSEQUENT REVIEW.—

(A) IN GENERAL.—The Secretary, in consultation with the Secretaries of Defense, Commerce, Agriculture, and Energy and the United States Trade Representative, shall review the methodology and list under paragraph (3) and the designations under paragraph (4) at least every 3 years, or more frequently as the Secretary considers to be appropriate.

(B) REVISIONS.—Subject to paragraph (4)(A), the Secretary may—

(i) revise the methodology described in this subsection;

(ii) determine that minerals, elements, substances, and materials previously determined to be critical minerals are no longer critical minerals; and

(iii) designate additional minerals, elements, substances, or materials as critical minerals.

(6) NOTICE.—On finalization of the methodology and the list under paragraph (3), or any revision to the methodology or list under paragraph (5), the Secretary shall submit to Congress written notice of the action.

(d) RESOURCE ASSESSMENT.—

(1) IN GENERAL.—Not later than 4 years after the date of enactment of this Act, in consultation with applicable State (including geological surveys), local, academic, industry, and other entities, the Secretary (acting through the Director of the United States Geological Survey) or a designee of the Secretary, shall complete a comprehensive national assessment of each critical mineral that—

(A) identifies and quantifies known critical mineral resources, using all available public and private information and datasets, including exploration histories; and

(B) provides a quantitative and qualitative assessment of undiscovered critical mineral resources throughout the United States, including probability estimates of tonnage and grade, using all available public and private information and datasets, including exploration histories.

(2) SUPPLEMENTARY INFORMATION.—In carrying out this subsection, the Secretary may carry out surveys and field work (including drilling, remote sensing, geophysical surveys, topographical and geological mapping, and geochemical sampling and analysis) to supplement existing information and datasets available for determining the existence of critical minerals in the United States.

(3) PUBLIC ACCESS.—Subject to applicable law, to the maximum extent practicable, the Secretary shall make all data and metadata collected from the comprehensive national assessment carried out under paragraph (1) publically and electronically accessible.

(4) TECHNICAL ASSISTANCE.—At the request of the Governor of a State or the head of an Indian tribe, the Secretary may provide technical assistance to State governments and Indian tribes conducting critical mineral resource assessments on non-Federal land.

(5) PRIORITIZATION.—

(A) IN GENERAL.—The Secretary may sequence the completion of resource assessments for each critical mineral such that critical minerals considered to be most critical under the methodology established under subsection (c) are completed first.

(B) REPORTING.—During the period beginning not later than 1 year after the date of enactment of this Act and ending on the date of completion of all of the assessments required under this subsection, the Secretary shall submit to Congress on an annual basis an interim report that—

(i) identifies the sequence and schedule for completion of the assessments if the Secretary sequences the assessments; or

(ii) describes the progress of the assessments if the Secretary does not sequence the assessments.

(6) UPDATES.—The Secretary may periodically update the assessments conducted under this subsection based on—

(A) the generation of new information or datasets by the Federal Government; or

(B) the receipt of new information or datasets from critical mineral producers, State geological surveys, academic institutions, trade associations, or other persons.

(7) ADDITIONAL SURVEYS.—The Secretary shall complete a resource assessment for each additional mineral or element subsequently designated as a critical mineral under subsection (c)(5)(B) not later than 2 years after the designation of the mineral or element.

(8) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a report describing the status of geological surveying of Federal land for any mineral commodity—

(A) for which the United States was dependent on a foreign country for more than 25 percent of the United States supply, as depicted in the report issued by the United States Geological Survey entitled ''Mineral Commodity Summaries 2020''; but

(B) that is not designated as a critical mineral under subsection (c).

(e) PERMITTING.—

(1) SENSE OF CONGRESS.—It is the sense of Congress that—

(A) critical minerals are fundamental to the economy, competitiveness, and security of the United States;

(B) to the maximum extent practicable, the critical mineral needs of the United States should be satisfied by minerals responsibly produced and recycled in the United States; and

(C) the Federal permitting process has been identified as an impediment to mineral production and the mineral security of the United States.

(2) PERFORMANCE IMPROVEMENTS.—To improve the quality and timeliness of decisions, the Secretary (acting through the Director of the Bureau of Land Management) and the Secretary of Agriculture (acting through the Chief of the Forest Service) (referred to in this subsection as the ''Secretaries'') shall, to the maximum extent practicable, with respect to critical mineral production on Federal land, complete Federal permitting and review processes with maximum efficiency and effectiveness, while supporting vital economic growth, by—

(A) establishing and adhering to timelines and schedules for the consideration of, and final decisions regarding, applications, operating plans, leases, licenses, permits, and other use authorizations for mineral-related activities on Federal land;

(B) establishing clear, quantifiable, and temporal permitting performance goals and tracking progress against those goals;

(C) engaging in early collaboration among agencies, project sponsors, and affected stakeholders—

(i) to incorporate and address the interests of those parties; and

(ii) to minimize delays;

(D) ensuring transparency and accountability by using cost-effective information technology to collect and disseminate information regarding individual projects and agency performance;

(E) engaging in early and active consultation with State, local, and Indian tribal governments to avoid conflicts or duplication of effort, resolve concerns, and allow for concurrent, rather than sequential, reviews;

(F) providing demonstrable improvements in the performance of Federal permitting and review processes, including lower costs and more timely decisions;

(G) expanding and institutionalizing permitting and review process improvements that have proven effective;

(H) developing mechanisms to better communicate priorities and resolve disputes among agencies at the national, regional, State, and local levels; and

(I) developing other practices, such as preapplication procedures.

(3) REVIEW AND REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretaries shall submit to Congress a report that—

(A) identifies additional measures (including regulatory and legislative proposals, as appropriate) that would increase the timeliness of permitting activities for the exploration and development of domestic critical minerals;

(B) identifies options (including cost recovery paid by permit applicants) for ensuring adequate staffing and training of Federal entities and personnel responsible for the consideration of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land;

(C) quantifies the amount of time typically required (including range derived from minimum and maximum durations, mean, median, variance, and other statistical measures or representations) to complete each step (including those aspects outside the control of the executive branch, such as judicial review, applicant decisions, or State and local government involvement) associated with the development and processing of applications, operating plans, leases, licenses, permits, and other use authorizations for critical mineral-related activities on Federal land, which shall serve as a baseline for the performance metric under paragraph (4); and

(D) describes actions carried out pursuant to paragraph (2).

(4) PERFORMANCE METRIC.—Not later than 90 days after the date of submission of the report under paragraph (3), the Secretaries, after providing public notice and an opportunity to comment, shall develop and publish a performance metric for evaluating the progress made by the executive branch to expedite the permitting of activities that will increase exploration for, and development of, domestic critical minerals, while maintaining environmental standards.

(5) ANNUAL REPORTS.—Beginning with the first budget submission by the President under section 1105 of title 31, United States Code, after publication of the performance metric required under paragraph (4), and annually thereafter, the Secretaries shall submit to Congress a report that—

(A) summarizes the implementation of recommendations, measures, and options identified in subparagraphs (A) and (B) of paragraph (3);

(B) using the performance metric under paragraph (4), describes progress made by the executive branch, as compared to the baseline established pursuant to paragraph (3)(C), on expediting the permitting of activities

that will increase exploration for, and development of, domestic critical minerals; and

(C) compares the United States to other countries in terms of permitting efficiency and any other criteria relevant to the globally competitive critical minerals industry.

(6) INDIVIDUAL PROJECTS.—Using data from the Secretaries generated under paragraph (5), the Director of the Office of Management and Budget shall prioritize inclusion of individual critical mineral projects on the website operated by the Office of Management and Budget in accordance with section 1122 of title 31, United States Code.

(7) REPORT OF SMALL BUSINESS ADMINISTRATION.—Not later than 1 year and 300 days after the date of enactment of this Act, the Administrator of the Small Business Administration shall submit to the applicable committees of Congress a report that assesses the performance of Federal agencies with respect to—

(A) complying with chapter 6 of title 5, United States Code (commonly known as the ''Regulatory Flexibility Act''), in promulgating regulations applicable to the critical minerals industry; and

(B) performing an analysis of regulations applicable to the critical minerals industry that may be outmoded, inefficient, duplicative, or excessively burdensome.

(f) FEDERAL REGISTER PROCESS.—

(1) DEPARTMENTAL REVIEW.—Absent any extraordinary circumstance, and except as otherwise required by law, the Secretary and the Secretary of Agriculture shall ensure that each Federal Register notice described in paragraph (2) shall be—

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

(B) published in final form in the Federal Register not later than 45 days after the date of initial preparation of the notice.

(2) PREPARATION.—The preparation of Federal Register notices required by law associated with the issuance of a critical mineral exploration or mine permit shall be delegated to the organizational level within the agency responsible for issuing the critical mineral exploration or mine permit.

(3) TRANSMISSION.—All Federal Register notices regarding official document availability, announcements of meetings, or notices of intent to undertake an action shall be originated in, and transmitted to the Federal Register from, the office in which, as applicable—

(A) the documents or meetings are held; or

(B) the activity is initiated.

(g) RECYCLING, EFFICIENCY, AND ALTERNATIVES.—

(1) ESTABLISHMENT.—The Secretary of Energy (referred to in this subsection as the ''Secretary'') shall conduct a program of research and development—

(A) to promote the efficient production, use, and recycling of critical minerals throughout the supply chain; and

(B) to develop alternatives to critical minerals that do not occur in significant abundance in the United States.

(2) COOPERATION.—In carrying out the program, the Secretary shall cooperate with appropriate—

(A) Federal agencies and National Laboratories;

(B) critical mineral producers;

(C) critical mineral processors;

(D) critical mineral manufacturers;

(E) trade associations;

(F) academic institutions;

(G) small businesses; and

(H) other relevant entities or individuals.

(3) ACTIVITIES.—Under the program, the Secretary shall carry out activities that include the identification and development of—

(A) advanced critical mineral extraction, production, separation, alloying, or processing technologies that decrease the energy consumption, environmental impact, and costs of those activities, including—

(i) efficient water and wastewater management strategies;

(ii) technologies and management strategies to control the environmental impacts of radionuclides in ore tailings;

(iii) technologies for separation and processing; and

(iv) technologies for increasing the recovery rates of byproducts from host metal ores;

(B) technologies or process improvements that minimize the use, or lead to more efficient use, of critical minerals across the full supply chain;

(C) technologies, process improvements, or design optimizations that facilitate the recycling of critical minerals, and options for improving the rates of collection of products and scrap containing critical minerals from post-consumer, industrial, or other waste streams;

(D) commercial markets, advanced storage methods, energy applications, and other beneficial uses of critical minerals processing byproducts;

(E) alternative minerals, metals, and materials, particularly those available in abundance within the United States and not subject to potential supply restrictions, that lessen the need for critical minerals; and

(F) alternative energy technologies or alternative designs of existing energy technologies, particularly those that use minerals that—

(i) occur in abundance in the United States; and

(ii) are not subject to potential supply restrictions.

(4) REPORTS.—Not later than 2 years after the date of enactment of this Act, and annually thereafter, the Secretary shall submit to Congress a report summarizing the activities, findings, and progress of the program.

(h) ANALYSIS AND FORECASTING.—

(1) CAPABILITIES.—In order to evaluate existing critical mineral policies and inform future actions that may be taken to avoid supply shortages, mitigate price volatility, and prepare for demand growth and other market shifts, the Secretary (acting through the Director of the United States Geological Survey) or a designee of the Secretary, in consultation with the Energy Information Administration, academic institutions, and others in order to maximize the application of existing competencies related to developing and maintaining computer-models and similar analytical tools, shall conduct and publish the results of an annual report that includes—

(A) as part of the annually published Mineral Commodity Summaries from the United States Geological Survey, a comprehensive review of critical mineral production, consumption, and recycling patterns, including—

(i) the quantity of each critical mineral domestically produced during the preceding year;

(ii) the quantity of each critical mineral domestically consumed during the preceding year;

(iii) market price data or other price data for each critical mineral;

(iv) an assessment of—

(I) critical mineral requirements to meet the national security, energy, economic, industrial, technological, and other needs of the United States during the preceding year;

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

(III) the implications of any supply shortages, restrictions, or disruptions during the preceding year;

(v) the quantity of each critical mineral domestically recycled during the preceding year;

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

(vii) a discussion of international trends associated with the discovery, production, consumption, use, costs of production, prices, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(viii) such other data, analyses, and evaluations as the Secretary finds are necessary to achieve the purposes of this subsection; and

(B) a comprehensive forecast, entitled the ''Annual Critical Minerals Outlook'', of projected critical mineral production, consumption, and recycling patterns, including—

(i) the quantity of each critical mineral projected to be domestically produced over the subsequent 1-year, 5-year, and 10-year periods;

(ii) the quantity of each critical mineral projected to be domestically consumed over the subsequent 1-year, 5-year, and 10-year periods;

(iii) an assessment of—

(I) critical mineral requirements to meet projected national security, energy, economic, industrial, technological, and other needs of the United States;

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

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

(iv) the quantity of each critical mineral projected to be domestically recycled over the subsequent 1-year, 5-year, and 10-year periods;

(v) the market penetration of alternatives to each critical mineral projected to take place over the subsequent 1-year, 5-year, and 10-year periods;

(vi) a discussion of reasonably foreseeable international trends associated with the discovery, production, consumption, use, costs of production, and recycling of each critical mineral as well as the development of alternatives to critical minerals; and

(vii) such other projections relating to each critical mineral as the Secretary determines to be necessary to achieve the purposes of this subsection.

(2) PROPRIETARY INFORMATION.—In preparing a report described in paragraph (1), the Secretary shall ensure, consistent with section 5(f) of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1604(f)), that—

(A) no person uses the information and data collected for the report for a purpose other than the development of or reporting of aggregate data in a manner such that the identity of the person or firm who supplied the information is not discernible and is not material to the intended uses of the information;

(B) no person discloses any information or data collected for the report unless the information or data has been transformed into a statistical or aggregate form that does not allow the identification of the person or firm who supplied particular information; and

(C) procedures are established to require the withholding of any information or data collected for the report if the Secretary determines that withholding is necessary to protect proprietary information, including any trade secrets or other confidential information.

(i) EDUCATION AND WORKFORCE.—

(1) WORKFORCE ASSESSMENT.—Not later than 1 year and 300 days after the date of enactment of this Act, the Secretary of Labor (in consultation with the Secretary, the Director of the National Science Foundation, institutions of higher education with substantial expertise in mining, institutions of higher education with significant expertise in minerals research, including fundamental research into alternatives, and employers in the critical minerals sector) shall submit to Congress an assessment of the domestic availability of technically trained personnel necessary for critical mineral exploration, development, assessment, production, manufacturing, recycling, analysis, forecasting, education, and research, including an analysis of—

(A) skills that are in the shortest supply as of the date of the assessment;

(B) skills that are projected to be in short supply in the future;

(C) the demographics of the critical minerals industry and how the demographics will evolve under the influence of factors such as an aging workforce;

(D) the effectiveness of training and education programs in addressing skills shortages;

(E) opportunities to hire locally for new and existing critical mineral activities;

(F) the sufficiency of personnel within relevant areas of the Federal Government for achieving the policies described in section 3 of the National Materials and Minerals Policy, Research and Development Act of 1980 (30 U.S.C. 1602); and

(G) the potential need for new training programs to have a measurable effect on the supply of trained workers in the critical minerals industry.

(2) CURRICULUM STUDY.—

(A) IN GENERAL.—The Secretary and the Secretary of Labor shall jointly enter into an arrangement with the National Academy of Sciences and the National Academy of Engineering under which the Academies shall coordinate with the National Science Foundation on conducting a study—

(i) to design an interdisciplinary program on critical minerals that will support the critical mineral supply chain and improve the ability of the United States to increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(ii) to address undergraduate and graduate education, especially to assist in the development of graduate level programs of research and instruction that lead to advanced degrees with an emphasis on the critical mineral supply chain or other positions that will increase domestic, critical mineral exploration, development, production, manufacturing, research, including fundamental research into alternatives, and recycling;

(iii) to develop guidelines for proposals from institutions of higher education with substantial capabilities in the required disciplines for activities to improve the critical mineral supply chain and advance the capacity of the United States to increase domestic, critical mineral exploration, research, development, production, manufacturing, and recycling; and

(iv) to outline criteria for evaluating performance and recommendations for the amount of funding that will be necessary to establish and carry out the program described in paragraph (3).

(B) REPORT.—Not later than 2 years after the date of enactment of this Act, the Secretary shall submit to Congress a description of the results of the study required under subparagraph (A).

(3) PROGRAM.—

(A) ESTABLISHMENT.—The Secretary and the Secretary of Labor shall jointly conduct a competitive grant program under which institutions of higher education may apply for and receive 4-year grants for—

(i) startup costs for newly designated faculty positions in integrated critical mineral education, research, innovation, training, and workforce development programs consistent with paragraph (2);

(ii) internships, scholarships, and fellowships for students enrolled in programs related to critical minerals;

(iii) equipment necessary for integrated critical mineral innovation, training, and workforce development programs; and

(iv) research of critical minerals and their applications, particularly concerning the manufacture of critical components vital to national security.

(B) RENEWAL.—A grant under this paragraph shall be renewable for up to 2 additional 3-year terms based on performance criteria outlined under paragraph (2)(A)(iv).

(j) NATIONAL GEOLOGICAL AND GEOPHYSICAL DATA PRESERVATION PROGRAM.—Section 351(k) of the Energy Policy Act of 2005 (42 U.S.C. 15908(k)) is amended by striking ''$30,000,000 for each of fiscal years 2006 through 2010'' and inserting ''$5,000,000 for each of fiscal years 2021 through 2030, to remain available until expended''.

(k) ADMINISTRATION.—

(1) IN GENERAL.—The National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.) is repealed.

(2) CONFORMING AMENDMENT.—Section 3(d) of the National Superconductivity and Competitiveness Act of 1988 (15 U.S.C. 5202(d)) is amended in the first sentence by striking '', with the assistance of the National Critical Materials Council as specified in the National Critical Materials Act of 1984 (30 U.S.C. 1801 et seq.),''.

(3) SAVINGS CLAUSES.—

(A) IN GENERAL.—Nothing in this section or an amendment made by this section modifies any requirement or authority provided by—

(i) the matter under the heading ''**GEOLOGICAL SURVEY**'' of the first section of the Act of March 3, 1879 (43 U.S.C. 31(a)); or

(ii) the first section of Public Law 87–626 (43 U.S.C. 31(b)).

(B) EFFECT ON DEPARTMENT OF DEFENSE.—Nothing in this section or an amendment made by this section affects the authority of the Secretary of Defense with respect to the work of the Department of Defense on critical material supplies in furtherance of the national defense mission of the Department of Defense.

(C) SECRETARIAL ORDER NOT AFFECTED.—This section shall not apply to any mineral described in Secretarial Order No. 3324, issued by the Secretary on December 3, 2012, in any area to which the order applies.

(4) APPLICATION OF CERTAIN PROVISIONS.—

(A) IN GENERAL.—Subsections (e) and (f) shall apply to—

(i) an exploration project in which the presence of a byproduct is reasonably expected, based on known mineral companionality, geologic formation, mineralogy, or other factors; and

(ii) a project that demonstrates that the byproduct is of sufficient grade that, when combined with the production of a host mineral, the byproduct is economic to recover, as determined by the applicable Secretary in accordance with subparagraph (B).

(B) REQUIREMENT.—In making the determination under subparagraph (A)(ii), the applicable Secretary shall consider the cost effectiveness of the byproducts recovery.

(l) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $50,000,000 for each of fiscal years 2021 through 2030.

SEC. __42. RARE EARTH ELEMENT ADVANCED COAL TECHNOLOGIES.

(a) PROGRAM FOR EXTRACTION AND RECOVERY OF RARE EARTH ELEMENTS AND MINERALS FROM COAL AND COAL BYPRODUCTS.—

(1) IN GENERAL.—The Secretary of Energy, acting through the Assistant Secretary for Fossil Energy (referred to in this section as the ''Secretary''), shall carry out a program under which the Secretary shall develop advanced separation technologies for the extraction and recovery of rare earth elements and minerals from coal and coal byproducts.

(2) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to the Secretary to carry out the program described in paragraph (1) $23,000,000 for each of fiscal years 2021 through 2028.

(b) REPORT.—Not later than 1 year after the date of enactment of this Act, the Secretary shall submit to the Committee on Energy and Natural Resources of the Senate and the Committee on Energy and Commerce of the House of Representatives a report evaluating the development of advanced separation technologies for the extraction and recovery of rare earth elements and minerals from coal and coal byproducts, including acid mine drainage from coal mines.

SA 2540. Mr. BARRASSO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'', $25,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: *Provided*, That these funds may not be used to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse: *Provided further*, That recipients of payments under this paragraph shall submit reports and maintain documentation as the Secretary determines are needed to ensure compliance with conditions that are imposed by this paragraph for such payments, and such reports and documentation shall be in such form, with such content, and in such time as the Secretary may prescribe for such purpose: *Provided further*, That ''eligible health care providers'' means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities not otherwise described in this proviso as the Secretary may specify, within the United States (including territories), that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID–19: *Provided further*, That the Secretary of Health and Human Services shall, on a rolling basis, review applications and make payments under this

paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity: *Provided further*, That, in this paragraph, the term ''payment'' means a pre-payment, prospective payment, or retrospective payment, as determined appropriate by the Secretary: *Provided further*, That payments under this paragraph shall be made in consideration of the most efficient payment systems practicable to provide emergency payment: *Provided further*, That to be eligible for a payment under this paragraph, an eligible health care provider shall submit to the Secretary of Health and Human Services an application that includes a statement justifying the need of the provider for the payment and the eligible health care provider shall have a valid tax identification number: *Provided further*, That, not later than 3 years after final payments are made under this paragraph, the Office of Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to this program to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That nothing in this section limits the authority of the Inspector General or the Comptroller General to conduct audits of interim payments at an earlier date: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers summarized by State of the payment receipt: *Provided further*, That such reports shall be updated and submitted to such Committees every 60 days until funds are expended: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2541. Mr. BARRASSO submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'', $25,000,000,000, to remain available until expended, to prevent, prepare for, and respond to coronavirus, domestically or internationally, which shall be for necessary expenses to reimburse, through grants or other mechanisms, eligible health care providers for health care related expenses or lost revenues that are attributable to coronavirus: *Provided*, That these funds may not be used to reimburse expenses or losses that have been reimbursed from other sources or that other sources are obligated to reimburse: *Provided further*, That recipients of payments under this paragraph shall submit reports and maintain documentation as the Secretary determines are needed to ensure compliance with conditions that are imposed by this paragraph for such payments, and such reports and documentation shall be in such form, with such content, and in such time as the Secretary may prescribe for such purpose: *Provided further*, That ''eligible health care providers'' means public entities, Medicare or Medicaid enrolled suppliers and providers, and such for-profit entities and not-for-profit entities not otherwise described in this proviso as the Secretary may specify, within the United States (including territories), that provide diagnoses, testing, or care for individuals with possible or actual cases of COVID–19: *Provided further*, That the Secretary of Health and Human Services shall, on a rolling basis, review applications and make payments under this paragraph in this Act: *Provided further*, That funds appropriated under this paragraph in this Act shall be available for building or construction of temporary structures, leasing of properties, medical supplies and equipment including personal protective equipment and testing supplies, increased workforce and trainings, emergency operation centers, retrofitting facilities, and surge capacity: *Provided further*, That, in this paragraph, the term ''payment'' means a pre-payment, prospective payment, or retrospective payment, as determined appropriate by the Secretary: *Provided further*, That payments under this paragraph shall be made in consideration of the most efficient payment systems practicable to provide emergency payment: *Provided further*, That to be eligible for a payment under this paragraph, an eligible health care provider shall submit to the Secretary of Health and Human Services an application that includes a statement justifying the need of the provider for the payment and the eligible health care provider shall have a valid tax identification number: *Provided further*, That, not later than 3 years after final payments are made under this paragraph, the Office of Inspector General of the Department of Health and Human Services shall transmit a final report on audit findings with respect to this program to the Committees on Appropriations of the House of Representatives and the Senate: *Provided further*, That nothing in this section limits the authority of the Inspector General or the Comptroller General to conduct audits of interim payments at an earlier date: *Provided further*, That not later than 60 days after the date of enactment of this Act, the Secretary of Health and Human Services shall provide a report to the Committees on Appropriations of the House of Representatives and the Senate on obligation of funds, including obligations to such eligible health care providers summarized by State of the payment receipt: *Provided further*, That such reports shall be updated and submitted to such Committees every 60 days until funds are expended: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2542. Mr. CRAPO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. CLARIFICATION ON 13(3) FACILITIES UNDER THE CARES ACT.

Section 4003(c)(1)(A) of the CARES Act (15 U.S.C. 9042(c)(1)(A)) is amended by adding ''In making loans, loan guarantees, and other investments under subsection (b)(4), the Secretary shall prioritize the provision of credit and liquidity to assist eligible businesses, States and municipalities, even if the Secretary estimates that such loans, loan guarantees, or investments may incur losses.'' after the period at the end.

SEC. ___. EXTENSIONS OF TEMPORARY RELIEF AND EMERGENCY AUTHORITIES.

(a) IN GENERAL.—Title IV of the CARES Act (Public Law 116–136) is amended—

(1) in section 4012(b)(2)(B) (15 U.S.C. 9050(b)(2)(B)), by striking ''2020'' and inserting ''2021''; and

(2) in section 4016(b)(2), by striking ''2020'' and inserting ''2021''.

(b) TEMPORARY CREDIT UNION PROVISIONS.—Section 307(a)(4)(A) of the Federal Credit Union Act (12 U.S.C. 1795f(a)(4)(A)) is amended by striking ''December 31, 2020'' and inserting ''December 31, 2021''.

SEC. ___. EXTENSION OF TEMPORARY RELIEF FROM TROUBLED DEBT RESTRUCTURINGS AND INSURER CLARIFICATION.

Section 4013 of the CARES Act (15 U.S.C. 9051) is amended—

(1) by inserting '', including an insurance company,'' after ''institution'' each place the term appears;

(2) in subsection (a)(1), by striking ''December 31, 2020'' and inserting ''January 1, 2022''; and

(3) in subsection (d)(1), by inserting '', including insurance companies,'' after ''institutions''.

SEC. ___. EXTENSION OF TEMPORARY OPTIONAL TEMPORARY RELIEF FROM CURRENT EXPECTED CREDIT LOSSES AND APPLICATION TO PERSONS.

Section 4014 of the CARES Act (15 U.S.C. 9052(b)) is amended—

(1) in subsection (b)—

(A) in the matter preceding paragraph (1), by striking ''insured depository institution, bank holding company, or any affiliate thereof'' and inserting ''person'';

(B) in paragraph (1), by inserting ''the first day of the fiscal year of the person that begins after'' before ''the date''; and

(C) in paragraph (2), by striking ''December 31, 2020'' and inserting with ''January 1, 2023''; and

(2) by striking ''(a) DEFINITIONS'' and all that follows through ''STANDARDS''.

SEC. ___. TEMPORARY AUTHORITY ON LEVERAGE AND RISK-BASED CAPITAL REQUIREMENTS.

Section 171 of the Financial Stability Act of 2010 (12 U.S.C. 5371) is amended by adding at the end the following:

''(d) TEMPORARY AUTHORITY.—

''(1) DEFINITION.—In this subsection, the term 'appropriate Federal banking agency'—

''(A) has the meaning given the term in section 2; and

''(B) means the Board of Governors, in the case of a nonbank financial company supervised by the Board of Governors.

''(2) TEMPORARY AUTHORITY.—

''(A) IN GENERAL.—Notwithstanding any other provision of this section or any other law or regulation, if any appropriate Federal banking agency determines that unusual and exigent circumstances exist or are otherwise imminent, the appropriate Federal banking agency shall have the authority, by rule or order, to make such temporary adjustments

to the method of calculating the generally applicable leverage capital requirements or other leverage requirement of an insured depository institution, a depository institution holding company, or a nonbank financial company supervised by the Board of Governors for purposes of compliance with this section as the appropriate Federal banking agency determines necessary to address or avoid a severe economic stress situation.

''(B) DURATION.—

''(i) IN GENERAL.—Except as provided in clause (ii), any temporary adjustment made under subparagraph (A) shall be for a period of not longer than 12 months after the date on which the determination is made under subparagraph (A).

''(ii) ADDITIONAL PERIODS.—A temporary adjustment made under subparagraph (A) may be extended for a period of not longer than 180 days after the date on which the period described in clause (i) expires to permit institutions and companies to return to compliance with the generally applicable leverage capital requirements or other leverage requirements, if the appropriate Federal banking agency determines such an extension is necessary.''.

SEC. ___. HEALTHCARE OPERATING LOSS LOANS.

(a) DEFINITIONS.—In this section:

(1) OPERATING LOSS.—The term ''operating loss'' has the meaning given the term in section 223(d) of the National Housing Act (12 U.S.C. 1715n(d)).

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Housing and Urban Development.

(b) AUTHORIZATION TO PROVIDE MORTGAGE INSURANCE.—Notwithstanding any other provision of law, for fiscal years 2020 and 2021, in addition to the authority provided to insure operating loss loans under section 223(d) of the National Housing Act (12 U.S.C. 1715n(d)), the Secretary may insure or enter into commitments to ensure mortgages under such section 223(d) with respect to healthcare facilities—

(1) insured under section 232 or section 242 of the National Housing Act (12 U.S.C. 1715w, 1715z–7);

(2) that were financially sound immediately prior to the President's March 13, 2020 Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak;

(3) that have exhausted all other forms of assistance; and

(4) subject to—

(A) the limitation for new commitments to guarantee loans insured under the General and Special Risk Insurance Funds under the heading ''General and Special Risk Program Account'' for fiscal years 2020 and 2021; and

(B) the underwriting parameters and other terms and conditions that the Secretary determines appropriate through guidance.

(c) AMOUNT OF LOAN.—After all other realized or reasonably anticipated assistance (including reimbursements, loans, or other payments from other Federal sources) are taken into account, a loan insured under subsection (b) shall be in an amount not exceeding the lesser of—

(1) the temporary losses or additional expenses incurred or expected to be incurred by the healthcare facility as a result of the impact of the circumstances giving rise to the President's March 13, 2020 Proclamation on Declaring a National Emergency Concerning the Novel Coronavirus Disease (COVID–19) Outbreak; or

(2) the amount expected to be needed to cover the sum of—

(A) 1 year of principal and interest payments for the existing loans of the healthcare facility insured by the Secretary;

(B) 1 year of principal and interest payments for the loan pursuant to this section;

(C) 1 year of mortgage insurance premiums for the loans described in subparagraphs (A) and (B);

(D) 1 year of monthly deposits to reserve accounts required by the Secretary for the loans described in subparagraphs (A) and (B);

(E) 1 year of property taxes and insurance for the healthcare facility; and

(F) transaction costs, including legal fees, for the loans described in subparagraphs (A) and (B).

SA 2543. Mr. WICKER submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for ''Public Health and Social Services Emergency Fund'', $7,825,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That $7,600,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to ''Health Resources and Services Administration—Primary Health Care'' for grants, cooperative agreements, and other necessary expenses under the Health Centers Program, as defined by section 330 of the PHS Act, including funding for alteration, renovation, construction, equipment, and other capital improvement costs, and including funding to support, maintain, or increase health center capacity and staffing levels, as necessary, to meet the needs of areas affected by coronavirus: *Provided further*, That sections 330(r)(2)(B), 330(e)(3), 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) of the PHS Act shall not apply to funds in the preceding proviso: *Provided further*, That funding made available under this paragraph in this Act shall not be subject to requirements under the National Environmental Policy Act of 1969 or the National Historic Preservation Act of 1966: *Provided further*, That for the purposes of any funding provided for fiscal year 2020 for the Health Centers Program pursuant to section 330 of the PHS Act (42 U.S.C. 254b), maintaining current health center capacity and staffing levels during a public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319 shall be deemed a cost of prevention, diagnosis, and treatment of coronavirus: *Provided further*, That of the amount appropriated under this paragraph in this Act, $225,000,000 shall be for grants or other mechanisms, to rural health clinics as defined in section 1861(aa)(2) of the Social Security Act with such funds also available to such entities for building or construction of temporary structures, leasing of properties, and retrofitting facilities as necessary to support COVID–19 testing: *Provided further*, That such funds shall be distributed using the procedures developed for the Provider Relief Fund authorized under the third paragraph under this heading in division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136); may be distributed using contracts or agreements established for such program; and shall be subject to the process requirements applicable to such program: *Provided further*, That the Secretary may specify a minimum amount for each eligible entity accepting assistance under the two previous provisos: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2544. Mr. WICKER submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

For an additional amount for ''Public Health and Social Services Emergency Fund'', $7,825,000,000, to remain available until September 30, 2022, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided*, That $7,600,000,000 of the funds appropriated under this paragraph in this Act shall be transferred to ''Health Resources and Services Administration—Primary Health Care'' for grants, cooperative agreements, and other necessary expenses under the Health Centers Program, as defined by section 330 of the PHS Act, including funding for alteration, renovation, construction, equipment, and other capital improvement costs, and including funding to support, maintain, or increase health center capacity and staffing levels, as necessary, to meet the needs of areas affected by coronavirus: *Provided further*, That sections 330(r)(2)(B), 330(e)(3), 330(e)(6)(A)(iii), and 330(e)(6)(B)(iii) of the PHS Act shall not apply to funds in the preceding proviso: *Provided further*, That funding made available under this paragraph in this Act shall not be subject to requirements under the National Environmental Policy Act of 1969 or the National Historic Preservation Act of 1966: *Provided further*, That for the purposes of any funding provided for fiscal year 2020 for the Health Centers Program pursuant to section 330 of the PHS Act (42 U.S.C. 254b), maintaining current health center capacity and staffing levels during a public health emergency as a result of the coronavirus and any renewal of such declaration pursuant to such section 319 shall be deemed a cost of prevention, diagnosis, and treatment of coronavirus: *Provided further*, That of the amount appropriated under this paragraph in this Act, $225,000,000 shall be for grants or other mechanisms, to rural health clinics as defined in section 1861(aa)(2) of the Social Security Act with such funds also available to such entities for building or construction of temporary structures, leasing of properties, and retrofitting facilities as necessary to support COVID–19 testing: *Provided further*, That such funds shall be distributed using the procedures developed for the Provider Relief Fund authorized under the third paragraph under this heading in division B of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136); may be

distributed using contracts or agreements established for such program; and shall be subject to the process requirements applicable to such program: *Provided further*, That the Secretary may specify a minimum amount for each eligible entity accepting assistance under the two previous provisos: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2545. Mr. PERDUE (for himself and Mr. BLUNT) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'', $250,000,000, to remain available until September 30, 2022: *Provided*, That the funds appropriated under this paragraph shall be transferred to ''Health Resources and Services Administration—Bureau of Health Workforce'', for supplements to existing payments under subsections (a) and (h)(1) of section 340E of the PHS Act, notwithstanding the cap imposed by subsection (h)(1) and notwithstanding subsection (h)(6) of such section 340E, for Children's Hospitals Graduate Medical Education, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2546. Mr. PERDUE (for himself and Mr. BLUNT) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

DEPARTMENT OF HEALTH AND HUMAN SERVICES

OFFICE OF THE SECRETARY

PUBLIC HEALTH AND SOCIAL SERVICES EMERGENCY FUND

(INCLUDING TRANSFER OF FUNDS)

For an additional amount for ''Public Health and Social Services Emergency Fund'', $250,000,000, to remain available until September 30, 2022: *Provided*, That the funds appropriated under this paragraph shall be transferred to ''Health Resources and Services Administration—Bureau of Health Workforce'', for supplements to existing payments under subsections (a) and (h)(1) of section 340E of the PHS Act, notwithstanding the cap imposed by subsection (h)(1) and notwithstanding subsection (h)(6) of such section 340E, for Children's Hospitals Graduate Medical Education, to prevent, prepare for, and respond to coronavirus, domestically or internationally: *Provided further*, That such amount is designated by the Congress as being for an emergency requirement pursuant to section 251(b)(2)(A)(i) of the Balanced Budget and Emergency Deficit Control Act of 1985.

SA 2547. Mr. DAINES (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. WORKFORCE RECOVERY AND TRAINING SERVICES.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING EMERGENCY.—The term ''qualifying emergency'' means—

(A) a public health emergency related to the coronavirus declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d);

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

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

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(3) WORKFORCE INNOVATION AND OPPORTUNITY ACT TERMS.—Except as otherwise provided in this section, the terms in this section have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(b) DISTRIBUTION OF FUNDS.—

(1) ALLOTMENT TO STATES.—From funds appropriated to carry out this section and not reserved under subsection (e)(4), not later than 30 days after receiving the appropriated funds, the Secretary shall make allotments to States in accordance with the formula described in section 132(b)(2)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172(b)(2)(B)) and make the reservation for and provide assistance to outlying areas in accordance with section 132(b)(2)(A) of such Act (29 U.S.C. 3172(b)(2)(A)).

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

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

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

(c) USES OF FUNDS.—

(1) STATE USE OF FUNDS.—

(A) IN GENERAL.—From the funds reserved under subsection (b)(2)(A), the Governor—

(i) shall allocate not less than 50 percent of the funds to the local areas most significantly impacted by a qualifying emergency, as determined by the Governor, to enable the local areas to carry out activities under paragraph (2); and

(ii) with the funds that are not allocated under clause (i) or reserved under subparagraph (B), may—

(I) carry out rapid response activities described in section 134(a)(2)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(a)(2)(A));

(II) carry out activities to facilitate remote access to employment and training activities, including career services, through a one-stop center;

(III) in coordination with local areas, carry out activities necessary to expand online learning opportunities and make available resources to support or allow for online service delivery, including online delivery of training services, by providers identified as eligible providers of training services under subsection (d) or (h) of section 122 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152);

(IV) assist local boards through the purchase of technology, supplies, and online training materials for distribution or use by local areas; and

(V) expand the list of eligible providers of training services established under section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)).

(B) LIMITATION.—Not more than 5 percent of the funds reserved under subsection (b)(2)(A) shall be used by the State for administrative activities related to carrying out this section.

(2) LOCAL USES OF FUNDS.—Funds allocated to a local area under subsection (b)(2)(B) or paragraph (1)(A)(i)—

(A) shall be used for—

(i) the provision of in-person and virtual training services, aligned with industry needs, that shall include—

(I) on-the-job training, for which the local board may take into account the impact of a qualifying emergency as a factor in determining whether to increase the amount of a reimbursement to an amount of up to 75 percent of the wage rate of a participant in accordance with section 134(c)(3)(H) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3)(H));

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

(III) transitional jobs as described in section 134(d)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(5)) (but for adults or dislocated workers determined eligible by a one-stop operator or one-stop partner), including positions in contact tracing, public health, or infrastructure, if provision of the jobs does not displace any currently employed employee (as of the date of the participation in the transitional job); and

(IV) incumbent worker training described in section 134(d)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(4)) to support worker retention;

(ii) training services provided through individual training accounts, which, notwithstanding section 122 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152), eligible individuals may obtain from providers identified as eligible providers of training services under subsection (d) or (h) of that section 122 or from another provider that is identified by the State board or local board involved;

(iii) short-term training—

(I) in which a current employee (as of the date of the participation), including an employee participating in a transitional job described in clause (i)(III), may participate;

(II) for which the participant may receive an employer-sponsored individual training account;

(III) for which the employer agrees to pay—

(aa) not less than 10 percent of the costs of such training in the case of an employer that is a small business concern, as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)); and

(bb) not less than 20 percent of such costs in the case of any other employer; and

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

(iv) short-term training in fields in which the local area needs workers to meet the demands for health care, direct care, and frontline workers responding to a qualifying emergency; and

(B) may be used for—

(i) the establishment and expansion of partnerships with public and private entities to support online programs of training services—

(I) which programs are identified under section 122 of the Workforce Innovation and Opportunity Act and lead to an industry-recognized credential in high-skill, high-wage, or in-demand industry sectors or occupations, in areas such as technology, health care, direct care, and manufacturing; and

(II) through which the partnerships may provide for the cost of an assessment related to obtaining such credential;

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

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

(I) in-person and virtual employment and reemployment services to help individuals find employment; and

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

(iv) providing access to technology, including broadband service and devices to enable individuals served under this section to receive online career and training services.

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

(d) REALLOCATION.—

(1) LOCAL FUNDS.—Each local board shall return to the Governor any funds received under this section that the local board does not obligate within 1 year after receiving such funds. The Governor shall reallocate such returned funds, to the local areas that are not required to return funds under this paragraph, in accordance with subsection (c)(1)(A).

(2) STATE FUNDS.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not obligate within 2 years after receiving such funds. The Secretary shall reallot such returned funds to the States that are not required to return funds under this paragraph, in accordance with subsection (b)(1).

(e) GENERAL PROVISIONS.—

(1) ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—Except as otherwise specified in this section, to be eligible to receive services authorized under this section, an individual shall be an adult or dislocated worker.

(B) INDIVIDUALS ELIGIBLE TO RECEIVE SERVICES THROUGH INDIVIDUAL TRAINING ACCOUNTS.—To be eligible to receive training services through an individual training account or employer-sponsored individual training account described in subsection (c)(2)(A)(iii), an eligible individual shall be an adult or dislocated worker—

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

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

(II) have the skills and qualifications to successfully participate in the selected program of training services; and

(ii) who selects a program of training services that is directly linked to the employment opportunities in the local area, or in another area to which the adult or dislocated worker is willing to commute or relocate.

(2) SPECIAL RULES.—

(A) ADMINISTRATION.—Except as otherwise provided in this section, the provisions of subtitle E of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3241 et seq.) shall apply to funds provided under this section.

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

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

(A) conduct oversight for the activities authorized under this section; and

(B) ensure the appropriate use and management of the funds provided under this section.

(4) PROGRAM ADMINISTRATION.—The Secretary shall reserve not more than $15,000,000 of the funds appropriated to carry out this section, as necessary, for program administration and management through the Department of Labor to support the administration of funds provided under this section and evaluation of activities authorized under this section.

(f) REPORTS.—

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

(A) the number and percentage of participants in activities under this section who received funds for training services;

(B) the types of training programs provided under this section;

(C) the number and percentage of participants in training programs provided under this section who entered employment upon completion of such a program;

(D) the number and percentage of participants in such training programs who obtained a recognized postsecondary credential; and

(E) the earnings of participants who completed a training program under this section.

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

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000,000 for the period of fiscal years 2020 through 2022.

SA 2548. Mr. DAINES (for himself and Mr. ALEXANDER) submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. WORKFORCE RECOVERY AND TRAINING SERVICES.

(a) DEFINITIONS.—In this section:

(1) QUALIFYING EMERGENCY.—The term ''qualifying emergency'' means—

(A) a public health emergency related to the coronavirus declared by the Secretary of Health and Human Services pursuant to section 319 of the Public Health Service Act (42 U.S.C. 247d);

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

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

(2) SECRETARY.—The term ''Secretary'' means the Secretary of Labor.

(3) WORKFORCE INNOVATION AND OPPORTUNITY ACT TERMS.—Except as otherwise provided in this section, the terms in this section have the meanings given the terms in section 3 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3102).

(b) DISTRIBUTION OF FUNDS.—

(1) ALLOTMENT TO STATES.—From funds appropriated to carry out this section and not reserved under subsection (e)(4), not later than 30 days after receiving the appropriated funds, the Secretary shall make allotments to States in accordance with the formula described in section 132(b)(2)(B) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3172(b)(2)(B)) and make the reservation for and provide assistance to outlying areas in accordance with section 132(b)(2)(A) of such Act (29 U.S.C. 3172(b)(2)(A)).

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

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

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

(c) USES OF FUNDS.—

(1) STATE USE OF FUNDS.—

(A) IN GENERAL.—From the funds reserved under subsection (b)(2)(A), the Governor—

(i) shall allocate not less than 50 percent of the funds to the local areas most significantly impacted by a qualifying emergency, as determined by the Governor, to enable the local areas to carry out activities under paragraph (2); and

(ii) with the funds that are not allocated under clause (i) or reserved under subparagraph (B), may—

(I) carry out rapid response activities described in section 134(a)(2)(A) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(a)(2)(A));

(II) carry out activities to facilitate remote access to employment and training activities, including career services, through a one-stop center;

(III) in coordination with local areas, carry out activities necessary to expand online learning opportunities and make available resources to support or allow for online service delivery, including online delivery of training services, by providers identified as eligible providers of training services under subsection (d) or (h) of section 122 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152);

(IV) assist local boards through the purchase of technology, supplies, and online training materials for distribution or use by local areas; and

(V) expand the list of eligible providers of training services established under section 122(d) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152(d)).

(B) LIMITATION.—Not more than 5 percent of the funds reserved under subsection (b)(2)(A) shall be used by the State for administrative activities related to carrying out this section.

(2) LOCAL USES OF FUNDS.—Funds allocated to a local area under subsection (b)(2)(B) or paragraph (1)(A)(i)—

(A) shall be used for—

(i) the provision of in-person and virtual training services, aligned with industry needs, that shall include—

(I) on-the-job training, for which the local board may take into account the impact of a qualifying emergency as a factor in determining whether to increase the amount of a reimbursement to an amount of up to 75 percent of the wage rate of a participant in accordance with section 134(c)(3)(H) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(c)(3)(H));

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

(III) transitional jobs as described in section 134(d)(5) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(5)) (but for adults or dislocated workers determined eligible by a one-stop operator or one-stop partner), including positions in contact tracing, public health, or infrastructure, if provision of the jobs does not displace any currently employed employee (as of the date of the participation in the transitional job); and

(IV) incumbent worker training described in section 134(d)(4) of the Workforce Innovation and Opportunity Act (29 U.S.C. 3174(d)(4)) to support worker retention;

(ii) training services provided through individual training accounts, which, notwithstanding section 122 of the Workforce Innovation and Opportunity Act (29 U.S.C. 3152), eligible individuals may obtain from providers identified as eligible providers of training services under subsection (d) or (h) of that section 122 or from another provider that is identified by the State board or local board involved;

(iii) short-term training—

(I) in which a current employee (as of the date of the participation), including an employee participating in a transitional job described in clause (i)(III), may participate;

(II) for which the participant may receive an employer-sponsored individual training account;

(III) for which the employer agrees to pay—

(aa) not less than 10 percent of the costs of such training in the case of an employer that is a small business concern, as defined in section 3(a) of the Small Business Act (15 U.S.C. 632(a)); and

(bb) not less than 20 percent of such costs in the case of any other employer; and

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

(iv) short-term training in fields in which the local area needs workers to meet the demands for health care, direct care, and frontline workers responding to a qualifying emergency; and

(B) may be used for—

(i) the establishment and expansion of partnerships with public and private entities to support online programs of training services—

(I) which programs are identified under section 122 of the Workforce Innovation and Opportunity Act and lead to an industry-recognized credential in high-skill, high-wage, or in-demand industry sectors or occupations, in areas such as technology, health care, direct care, and manufacturing; and

(II) through which the partnerships may provide for the cost of an assessment related to obtaining such credential;

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

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

(I) in-person and virtual employment and reemployment services to help individuals find employment; and

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

(iv) providing access to technology, including broadband service and devices to enable individuals served under this section to receive online career and training services.

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

(d) REALLOCATION.—

(1) LOCAL FUNDS.—Each local board shall return to the Governor any funds received under this section that the local board does not obligate within 1 year after receiving such funds. The Governor shall reallocate such returned funds, to the local areas that are not required to return funds under this paragraph, in accordance with subsection (c)(1)(A).

(2) STATE FUNDS.—Each Governor shall return to the Secretary any funds received under this section that the Governor does not obligate within 2 years after receiving such funds. The Secretary shall reallot such returned funds to the States that are not required to return funds under this paragraph, in accordance with subsection (b)(1).

(e) GENERAL PROVISIONS.—

(1) ELIGIBLE INDIVIDUALS.—

(A) IN GENERAL.—Except as otherwise specified in this section, to be eligible to receive services authorized under this section, an individual shall be an adult or dislocated worker.

(B) INDIVIDUALS ELIGIBLE TO RECEIVE SERVICES THROUGH INDIVIDUAL TRAINING ACCOUNTS.—To be eligible to receive training services through an individual training account or employer-sponsored individual training account described in subsection (c)(2)(A)(iii), an eligible individual shall be an adult or dislocated worker—

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

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

(II) have the skills and qualifications to successfully participate in the selected program of training services; and

(ii) who selects a program of training services that is directly linked to the employment opportunities in the local area, or in another area to which the adult or dislocated worker is willing to commute or relocate.

(2) SPECIAL RULES.—

(A) ADMINISTRATION.—Except as otherwise provided in this section, the provisions of subtitle E of title I of the Workforce Innovation and Opportunity Act (29 U.S.C. 3241 et seq.) shall apply to funds provided under this section.

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

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

(A) conduct oversight for the activities authorized under this section; and

(B) ensure the appropriate use and management of the funds provided under this section.

(4) PROGRAM ADMINISTRATION.—The Secretary shall reserve not more than $15,000,000 of the funds appropriated to carry out this section, as necessary, for program administration and management through the Department of Labor to support the administration of funds provided under this section and evaluation of activities authorized under this section.

(f) REPORTS.—

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

(A) the number and percentage of participants in activities under this section who received funds for training services;

(B) the types of training programs provided under this section;

(C) the number and percentage of participants in training programs provided under this section who entered employment upon completion of such a program;

(D) the number and percentage of participants in such training programs who obtained a recognized postsecondary credential; and

(E) the earnings of participants who completed a training program under this section.

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

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section $3,500,000,000 for the period of fiscal years 2020 through 2022.

SA 2549. Mr. GRASSLEY submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr.

MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—ADDITIONAL FLEXIBILITY AND ACCOUNTABILITY FOR CORONAVIRUS RELIEF FUND PAYMENTS AND STATE TAX CERTAINTY FOR EMPLOYEES AND EMPLOYERS

SEC. ____. EXPANSION OF ALLOWABLE USE OF CORONAVIRUS RELIEF FUND PAYMENTS BY STATES AND TRIBAL AND LOCAL GOVERNMENTS.

(a) IN GENERAL.—Section 601(d) of the Social Security Act (42 U.S.C. 801(d)) is amended to read as follows:

''(d) USE AND AVAILABILITY OF FUNDS.—

''(1) ALLOWABLE USES.—A State, Tribal government, or unit of local government shall use the funds provided under a payment made under this section only for the following purposes:

''(A) COVID-19 COSTS.—During the period that begins on March 1, 2020, and ends on September 30, 2021 (or, in the case of a State or government described in clause (iii) of subparagraph (B), the date determined for the State or government under such clause), to pay costs of the State, Tribal government, or unit of local government that—

''(i) are necessary expenditures incurred due to the public health emergency with respect to the Coronavirus Disease 2019 (COVID–19); and

''(ii) were not accounted for in the budget most recently approved as of March 27, 2020, for the State or government.

''(B) REVENUE SHORTFALL.—

''(i) IN GENERAL.—Subject to clause (iv), during the period that begins on March 1, 2020, and ends on September 30, 2021 (or, in the case of a State or government described in clause (iii), the date determined for the State or government under such clause), to fund operations of the State or government if the State or government—

''(I) has a revenue shortfall amount for the State or government fiscal year for 2020 or 2021; and

''(II) certifies to the Secretary that the State or government has distributed at least 25 percent of the total amount of the payments received by the State or government under this section to localities within the jurisdiction of the State or government or that there are no localities within the jurisdiction of the State or government.

''(ii) REVENUE SHORTFALL AMOUNT.—For purposes of this subparagraph, the revenue shortfall amount for a State or government and a State or government fiscal year is the amount, if any, by which—

''(I) the total amount of State or government revenue from taxes, fees, or sources other than funds provided under a payment made under this section or another intergovernmental transfer of funds from the Federal Government collected for such fiscal year; is less than

''(II) the total amount of such revenue collected for the State or government fiscal year for 2019.

''(iii) SPECIAL RULE.—In the case of a State or government that has a fiscal year for 2021 that ends after June 30, 2021, the date determined for such State or government under this clause is the date that is 90 days after the last day of the State or government fiscal year for 2021.

''(iv) LIMITATION.—The amount of funds paid to or distributed to a State, Tribal government, or unit of local government under this section that may be used by the State or government for the purpose permitted under clause (i) shall not exceed the lesser of—

''(I) 25 percent of the total amount of such funds; and

''(II) the sum of the revenue shortfall amounts determined for the State or government for fiscal years 2020 and 2021 under clause (ii).

''(2) PROHIBITED USES.—No State, Tribal government, or unit of local government may use funds provided under a payment made under this section for any of the following purposes:

''(A) To make a deposit into, or reimburse, any State or government fund that finances pensions or other postemployment benefits for current or former employees of the State or government.

''(B) To satisfy any obligation or liability of the State or government with respect to a pension or other postemployment benefit fund, plan, or program for current or former employees of the State or government.

''(C) To augment any amount paid, or benefit provided under, a pension or other postemployment benefit fund, plan, or program for current or former employees of the State or government.

''(D) To make a deposit into, or reimburse a withdrawal from, a budget stabilization fund, budget reserve account, or other 'rainy day' or reserve fund of the State or government established to provide a source of funding for operations of the State or government during a revenue downturn or other unanticipated shortfall and accounted for in the budget most recently approved as of March 27, 2020, for the State or government.

''(E) To participate in litigation in which an officer of the State or government is a party in the officer's personal capacity.

''(F) To undertake to—

''(i) influence the passage or defeat of any legislation by the Congress of the United States, or by any State or local legislative body; or

''(ii) improve the public image of an officer of the State or government.

''(3) MAINTENANCE OF EFFORT.—In accordance with guidance from the Secretary issued before, on, or after the date of enactment of the Coronavirus Relief Fair Unemployment Compensation Act of 2020, any amount from a payment made under this section to a State, Tribal government, or unit of local government that is distributed by such entity to a unit of general local government below the level of such entity shall supplement, and not supplant, any non-Federal funds that such entity would otherwise provide, distribute, or use for assistance to such unit of general local government.

''(4) AVAILABILITY.—Funds paid or distributed to a State, Tribal government, or unit of local government under this section that are obligated for an allowable use under paragraph (1) before October 1, 2021 (or, in the case of a State or government described in clause (iii) of subparagraph (B) of such paragraph, the day after the date determined for the State or government under such clause), shall remain available until expended.

''(5) APPLICATION TO DISTRIBUTIONS TO LOCALITIES.—

''(A) IN GENERAL.—The allowable and prohibited uses of funds, maintenance of effort, and availability rules that apply to funds provided under a payment made under this section to a State, Tribal government, or unit of local government, and all other limitations or restrictions which apply to such funds, shall apply in the same manner and to the same extent to any funds from such payment which a State or government distributes to a locality.

''(B) LIMITATION ON ADDITIONAL CONDITIONS.—A State, Tribal government, or unit of local government shall not impose any condition, requirement, or restriction on a distribution to a locality of funds provided to the State or government under a payment made under this section other than as necessary to ensure the locality uses the funds distributed in accordance with the limitations, restrictions, and requirements applicable under subparagraph (A).''.

(b) ADDITIONAL AMENDMENTS.—Section 601 of such Act is further amended—

(1) in subsection (f)—

(A) by redesignating paragraphs (3) and (4) as paragraphs (4) and (5), respectively; and

(B) by inserting after paragraph (2) the following new paragraph:

''(3) AUDIT RISK FACTORS.—In determining whether to conduct an audit of the use of funds paid to a State, Tribal government, or unit of local government under this section (including any such funds distributed to a locality), the Inspector General of the Department of the Treasury shall prioritize auditing States or governments that—

''(A) have not distributed at least 25 percent of the total amount of the payments received by the State or government under this section to localities within the jurisdiction of the State or government, if any; or

''(B) have imposed a condition, requirement, or restriction on funds distributed to a locality which the Inspector General has reason to believe violates subsection (d)(5)(B).''.

(2) in subsection (g)—

(A) by redesignating paragraphs (3) through (5) as paragraphs (5) through (7), respectively; and

(B) by inserting after paragraph (2) the following new paragraphs:

''(3) LOCALITY.—The term 'locality' means, with respect to a State, Tribal government, or unit of local government, a county, municipality, town, township, village, parish, borough, or other unit of general government below the level of the State, Tribal government, or unit of local government (as applicable) with a population of 500,000 or less.

''(4) OTHER POSTEMPLOYMENT BENEFITS.—The term 'other postemployment benefits' includes postemployment health care benefits, regardless of the type of plan that provides them, and all postemployment benefits provided separately from a pension plan, excluding benefits defined as termination offers and benefits.''.

(c) EFFECTIVE DATE.—The amendments made by this section shall take effect as if included in the enactment of section 601 of the Social Security Act, as added by section 5001(a) of the CARES Act (Public Law 116–136).

(d) ACCOUNTABILITY FOR THE DISBURSEMENT AND USE OF STATE OR GOVERNMENT RELIEF PAYMENTS.—

(1) DATA ON DISBURSEMENT AND USE OF PAYMENTS FROM THE CORONAVIRUS RELIEF FUND.—Pursuant to the authority provided in section 601(f) of the Social Security Act (42 U.S.C. 801(f)), as added by section 5001(a) of the CARES Act (Public Law 116–136) and amended by subsection (b), the Inspector General of the Department of the Treasury shall compile data on the disbursement and use of funds made available from each payment made by the Secretary of the Treasury from the Coronavirus Relief Fund established under section 601 of the Social Security Act (42 U.S.C. 801) to States, the District of Columbia, territories, Tribal governments, and directly to units of local government under section 601(b)(2) of such Act (in this subsection referred to as a ''State or government relief payment'').

(2) REPORTING ON USES OF RELIEF FUNDS.—

(A) IN GENERAL.—Each recipient of a State or government relief payment (referred to in this section as a ''recipient'') shall submit a report on the recipient's use of such payment to the Secretary and the Inspector General of the Treasury using a portal designated by the Secretary for such purpose for each calendar quarter and period described in subparagraph (C). Such report shall include the following:

(i) The total amount of all State or government relief payments made to the recipient.

(ii) A detailed list of all projects or activities on which funds from such payments were expended or obligated, including, for each such project or activity—

(I) the name of the project or activity;

(II) a description of the project or activity;

(III) the name of each business, consultant, or contractor used to facilitate the implementation or continuation of the project or activity; and

(IV) the amount of such funds expended or obligated.

(iii) Detailed information on—

(I) any loan issued using such funds;

(II) any contract or grant financed in whole or in part with such funds, including any contract with an entity described in clause (ii)(III);

(III) transfers of such funds made to other government entities; and

(IV) any direct payments of such funds made by the recipient that equal or exceed $50,000.

(iv) Detailed information on the extent to which the recipient used a State or government relief payment made to fund operations due to a revenue shortfall, in accordance with subparagraph (B) of section 601(d)(1) of the Social Security Act (42 U.S.C. 801(d)(1)), including—

(I) the total amount of funds from all such payments used for such purpose;

(II) the 1 or more revenue sources (such as taxes, fees, or another source of revenue) that contributed to such shortfall; and

(III) for each source identified in subclause (II), the amount of the reduction in revenue generated by such source over the period described in subparagraph (A)(ii) of such section.

(B) CERTIFICATION.—Each recipient shall certify that the information reported with respect to each quarter or period is true, accurate, and complete. Such certification shall be made by an authorized representative of the recipient that has the legal authority to give assurances, make commitments, and enter into contracts on behalf of the recipient.

(C) REPORT DEADLINES.—A recipient shall report the data required under subparagraph (A)—

(i) for the period beginning on March 1, 2020, and ending on June 30, 2020, not later than September 21, 2020; and

(ii) for each calendar quarter in the period that begins on July 1, 2020, and ends on September 30, 2021 (or, in the case of a recipient for which a date is determined under section 601(d)(1)(B)(iii) of the Social Security Act, the last day of the calendar quarter in which such date occurs), not later than later than 10 days after the end of the calendar quarter.

(3) RECORD RETENTION REQUIREMENTS.—

(A) IN GENERAL.—Each recipient and entity described in subparagraph (C) shall maintain, for not less than 5 years after date on the recipient expends all funds from State or government relief payments paid to the recipient and shall make available to the Secretary of the Treasury and the Inspector General of the Department of the Treasury upon request, all documents and financial records of the recipient sufficient to establish the recipient's compliance with section 601(d) of the Social Security Act (42 U.S.C. 801(d)).

(B) SCOPE OF RECORDS.—The documents and records sufficient to establish a recipient's compliance with such section may include—

(i) general ledgers and any subsidiary ledgers used to account for the receipt and disbursement of funds from all State or government relief payments made to the recipient;

(ii) budget records of the recipient for 2019, 2020, and 2021;

(iii) payroll, time records and other human resource records of the recipient which support costs incurred for payroll expenses related to addressing the public health emergency due to COVID–19 or other use of funds allowable under such section 601(d);

(iv) receipts of purchases made related to addressing the public health emergency due to COVID–19 or other use of funds allowable under such section 601(d);

(v) contracts and subcontracts entered into with funds from any State or government relief payment made to the recipient, and all documents related to such contracts or subcontracts;

(vi) grant agreements and subgrant agreements entered into with funds from any State or government relief payment made to the recipient, and all documents related to such agreements;

(vii) all documentation of reports, audits, and other monitoring of contractors, subcontractors, grantees, and subgrantees relating to the use funds from any State or government relief payment made to the recipient;

(viii) all documentation supporting performance outcomes (if any) of contracts, subcontracts, grants, or subgrants relating to the use of funds from any State or government relief payment made to the recipient;

(ix) all internal and external email and other electronic communications relating to the use of funds from any State or government relief payment made to the recipients; and

(x) all investigative files and inquiry reports (if any) relating to the use of funds from any State or government relief payment made to the recipient.

(C) ENTITIES DESCRIBED.—An entity described in this subparagraph is the any of the following:

(i) An entity that receives a grant or loan funded in whole or in part with funds from a State or government relief payment made to the recipient, and any contractor, subcontractor, or subgrantee of such entity.

(ii) An entity awarded a contract funded in whole or in part with funds from a State or government relief payment made to the recipient, and any subcontractor of such entity.

(iii) A governmental entity that receives a payment or transfer of funds that equals or exceeds $50,000, funded in whole or in part with funds from a State or government relief payment made to the recipient.

(4) QUARTERLY REPORTS TO CONGRESS.—

(A) IN GENERAL.—Using data complied under paragraph (1), the Inspector General of the Department of the Treasury shall submit a report containing the information described in subparagraph (B) to the Committee on Ways and Means of the House of Representatives and the Committee on Finance of the Senate not later than October 1, 2020, and the 1st day of every third month beginning thereafter through January 1, 2021.

(B) CONTENT.—Each report submitted under subparagraph (A) shall include data on the disbursement and use of funds from State or government relief payments, including with respect to the amounts and recipients of disbursements made—

(i) by States receiving such payments to—

(I) units of local government (as defined in section 601(g)(2) of the Social Security Act (42 U.S.C. 801(g)(2))); and

(II) counties, municipalities, towns, townships, villages, parishes, boroughs, or other units of general government below the State level with a population that does not exceed 500,000; and

(ii) by the Secretary of the Treasury directly to units of local government (as so defined) under section 601(b)(2) of such Act (42 U.S.C. 801(b)(2)).

SEC. _____. STATE TAX CERTAINTY FOR EMPLOYERS AND EMPLOYEES.

(a) LIMITATIONS ON WITHHOLDING AND TAXATION OF EMPLOYEE INCOME.—

(1) IN GENERAL.—No part of the wages or other remuneration earned by an employee who is a resident of a taxing jurisdiction and performs employment duties in more than one taxing jurisdiction shall be subject to income tax in any taxing jurisdiction other than—

(A) the taxing jurisdiction of the employee's residence; and

(B) any taxing jurisdiction within which the employee is present and performing employment duties for more than 30 days during the calendar year in which the wages or other remuneration is earned.

(2) INCOME TAX WITHHOLDING AND REPORTING.—Wages or other remuneration earned in any calendar year shall not be subject to income tax withholding and reporting requirements with respect to any taxing jurisdiction unless the employee is subject to income tax in such taxing jurisdiction under paragraph (1). Income tax withholding and reporting requirements under paragraph (1)(B) shall apply to wages or other remuneration earned as of the commencement date of employment duties in the taxing jurisdiction during the calendar year.

(3) OPERATING RULES.—For purposes of determining penalties related to an employer's income tax withholding and reporting requirements with respect to any taxing jurisdiction—

(A) an employer may rely on an employee's annual determination of the time expected to be spent by such employee in the performance of employment duties in the taxing jurisdictions in which the employee will perform such duties absent—

(i) the employer's actual knowledge of fraud by the employee in making the determination; or

(ii) collusion between the employer and the employee to evade tax;

(B) except as provided in subparagraph (C), if records are maintained by an employer in the regular course of business that record the location at which an employee performs employment duties, such records shall not preclude an employer's ability to rely on an employee's determination under subparagraph (A); and

(C) notwithstanding subparagraph (B), if an employer, at its sole discretion, maintains a time and attendance system that tracks where the employee performs duties on a daily basis, data from the time and attendance system shall be used instead of the employee's determination under subparagraph (A).

(4) DEFINITIONS AND SPECIAL RULES.—For purposes of this subsection:

(A) DAY.—

(i) Except as provided in clause (ii), an employee is considered present and performing employment duties within a taxing jurisdiction for a day if the employee performs more of the employee's employment duties within such taxing jurisdiction than in any other taxing jurisdiction during a day.

(ii) If an employee performs employment duties in a resident taxing jurisdiction and in only one nonresident taxing jurisdiction

during one day, such employee shall be considered to have performed more of the employee's employment duties in the nonresident taxing jurisdiction than in the resident taxing jurisdiction for such day.

(iii) For purposes of this subparagraph, the portion of the day during which the employee is in transit shall not be considered in determining the location of an employee's performance of employment duties.

(B) EMPLOYEE.—

(i) IN GENERAL.—

(I) GENERAL DEFINITION.—Except as provided in subclause (II), the term ''employee'' has the meaning given such term in section 3121(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(d)), unless such term is defined by the taxing jurisdiction in which the person's employment duties are performed, in which case the taxing jurisdiction's definition shall prevail.

(II) EXCEPTION.—The term ''employee'' shall not include a professional athlete, professional entertainer, qualified production employee, or certain public figures.

(ii) PROFESSIONAL ATHLETE.—The term ''professional athlete'' means a person who performs services in a professional athletic event, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional athlete.

(iii) PROFESSIONAL ENTERTAINER.—The term ''professional entertainer'' means a person of prominence who performs services in the professional performing arts for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for performing services in his or her capacity as a professional entertainer.

(iv) QUALIFIED PRODUCTION EMPLOYEE.—The term ''qualified production employee'' means a person who performs production services of any nature directly in connection with a taxing jurisdiction qualified, certified or approved film, television or other commercial video production for wages or other remuneration, provided that the wages or other remuneration paid to such person are qualified production costs or expenditures under such taxing jurisdiction's qualified, certified or approved film, television or other commercial video production incentive program, and that such wages or other remuneration must be subject to withholding under such qualified, certified or approved film, television or other commercial video production incentive program as a condition to treating such wages or other remuneration as a qualified production cost or expenditure.

(v) CERTAIN PUBLIC FIGURES.—The term ''certain public figures'' means persons of prominence who perform services for wages or other remuneration on a per-event basis, provided that the wages or other remuneration are paid to such person for services provided at a discrete event, in the nature of a speech, public appearance, or similar event.

(C) EMPLOYER.—The term ''employer'' has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3401(d)), unless such term is defined by the taxing jurisdiction in which the employee's employment duties are performed, in which case the taxing jurisdiction's definition shall prevail.

(D) TAXING JURISDICTION.—The term ''taxing jurisdiction'' means any of the several States, the District of Columbia, or any municipality, city, county, township, parish, transportation district, or assessment jurisdiction, or any other political subdivision of a State with the authority to impose a tax, charge, or fee.

(E) TIME AND ATTENDANCE SYSTEM.—The term ''time and attendance system'' means a system in which—

(i) the employee is required on a contemporaneous basis to record his or her work location for every day worked outside of the taxing jurisdiction in which the employee's employment duties are primarily performed; and

(ii) the system is designed to allow the employer to allocate the employee's wages for income tax purposes among all taxing jurisdictions in which the employee performs employment duties for such employer.

(F) WAGES OR OTHER REMUNERATION.—The term ''wages or other remuneration'' may be defined by the taxing jurisdiction in which the employment duties are performed.

(5) PLACE OF RESIDENCE.—For purposes of this subsection, the residence of an employee shall be determined under the laws of the taxing jurisdiction in which such employee maintains a dwelling which serves as the employee's permanent place of abode during the calendar year.

(6) ADJUSTMENT DURING CORONAVIRUS PANDEMIC.—With respect to calendar year 2020, in the case of any employee who performs employment duties in any taxing jurisdiction other than the taxing jurisdiction of the employee's residence during such year as a result of the COVID–19 public health emergency, paragraph (1)(B) shall be applied by substituting ''90 days'' for ''30 days''.

(b) STATE AND LOCAL TAX CERTAINTY.—

(1) STATUS OF EMPLOYEES DURING COVERED PERIOD.—Notwithstanding subsection (a)(1)(B) or any provision of law of a taxing jurisdiction, with respect to any employee whose primary work location is within a taxing jurisdiction and who is working remotely within another taxing jurisdiction during the covered period—

(A) except as provided under subparagraph (B), any wages earned by such employee during such period shall be deemed to have been earned at the primary work location of such employee; and

(B) if an employer, at its sole discretion, maintains a system that tracks where such employee performs duties on a daily basis, wages earned by such employee may, at the election of such employer, be treated as earned at the location in which such duties were remotely performed.

(2) STATUS OF BUSINESSES DURING COVERED PERIOD.—Notwithstanding any provision of law of a taxing jurisdiction—

(A) in the case of an out-of-jurisdiction business which has any employees working remotely within such jurisdiction during the covered period, the duties performed by such employees within such jurisdiction during such period shall not be sufficient to create any nexus or establish any minimum contacts or level of presence that would otherwise subject such business to any registration, taxation, or other related requirements for businesses operating within such jurisdiction; and

(B) except as provided under paragraph (1)(B), with respect to any tax imposed by such taxing jurisdiction which is determined, in whole or in part, based on net or gross receipts or income, for purposes of apportioning or sourcing such receipts or income, any duties performed by an employee of an out-of-jurisdiction business while working remotely during the covered period—

(i) shall be disregarded with respect to any filing requirements for such tax; and

(ii) shall be apportioned and sourced to the tax jurisdiction which includes the primary work location of such employee.

(3) DEFINITIONS.—For purposes of this subsection—

(A) COVERED PERIOD.—The term ''covered period'' means, with respect to any employee working remotely, the period—

(i) beginning on the date on which such employee began working remotely; and

(ii) ending on the earlier of—

(I) the date on which the employer allows, at the same time—

(aa) such employee to return to their primary work location; and

(bb) not less than 90 percent of their permanent workforce to return to such work location; or

(II) December 31, 2020.

(B) EMPLOYEE.—The term ''employee'' has the meaning given such term in section 3121(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3121(d)), unless such term is defined by the taxing jurisdiction in which the person's employment duties are deemed to be performed pursuant to paragraph (1), in which case the taxing jurisdiction's definition shall prevail.

(C) EMPLOYER.—The term ''employer'' has the meaning given such term in section 3401(d) of the Internal Revenue Code of 1986 (26 U.S.C. 3401(d)), unless such term is defined by the taxing jurisdiction in which the employee's employment duties are deemed to be performed pursuant to paragraph (1), in which case the taxing jurisdiction's definition shall prevail.

(D) OUT-OF-JURISDICTION BUSINESS.—The term ''out-of-jurisdiction business'' means, with respect to any taxing jurisdiction, any business entity which, excepting any employees of such business who are working remotely within such jurisdiction during the covered period, would not otherwise be subject to any tax filing requirements under the existing law of such taxing jurisdiction.

(E) PRIMARY WORK LOCATION.—The term ''primary work location'' means, with respect to an employee, the address of the employer where the employee is regularly assigned to work when such employee is not working remotely during the covered period.

(F) TAXING JURISDICTION.—The term ''taxing jurisdiction'' has the same meaning given such term under subsection (a)(4)(D).

(G) WAGES.—The term ''wages'' means all wages and other remuneration paid to an employee that are subject to tax or withholding requirements under the law of the taxing jurisdiction in which the employment duties are deemed to be performed under paragraph (1) during the covered period.

(H) WORKING REMOTELY.—The term ''working remotely'' means the performance of duties by an employee at a location other than the primary work location of such employee at the direction of his or her employer due to conditions resulting from the public health emergency relating to the virus SARS–CoV–2 or coronavirus disease 2019 (referred to in this subparagraph as ''COVID–19''), including—

(i) to comply with any government order relating to COVID–19;

(ii) to prevent the spread of COVID–19; and

(iii) due to the employee or a member of the employee's family contracting COVID–19.

(4) PRESERVATION OF AUTHORITY OF TAXING JURISDICTIONS.—This subsection shall not be construed as modifying, impairing, superseding, or authorizing the modification, impairment, or supersession of the law of any taxing jurisdiction pertaining to taxation except as expressly provided in paragraphs (1) through (3).

(c) EFFECTIVE DATE; APPLICABILITY.—

(1) EFFECTIVE DATE.—Subject to paragraph (3), this section shall apply to calendar years beginning after December 31, 2019.

(2) APPLICABILITY.—This section shall not apply to any tax obligation that accrues before January 1, 2020.

(3) TERMINATION.—Subsection (a) shall not apply to calendar years beginning after December 31, 2024.

SEC. _____. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided under this title are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this title is designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res.71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 2550. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end of the matter proposed to be inserted, insert the following:

SEC. 3. RESTRICTIONS ON FEDERAL CONTRACTING WITH CHINESE COMPANIES.

(a) DEFINITIONS.—In this section:

(1) COVERED CONTRACT.—The term ''covered contract'' means a contract with a value equal to or greater than $10,000 related to an infrastructure project, including with respect to—

(A) surface transportation (roads);

(B) mass transit, including airports, public transportation, and rail;

(C) ports and bridges, including domestic waterways as defined by the Army Corps of Engineers;

(D) energy, including grid infrastructure and renewable energy;

(E) telecommunications systems; or

(F) emerging technologies identified by the Secretary of Commerce pursuant to the rulemaking undertaken in accordance with the advance notice of proposed rulemaking entitled, ''Review of Controls for Certain Emerging Technologies'' (83 Fed. Reg. 58201).

(2) COVERED FOREIGN ENTITY.—The term ''covered foreign entity'' means an entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Homeland Security.

(3) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

(b) RESTRICTIONS ON CONTRACTING WITH COMPANIES THAT ARE OWNED WHOLLY OR PARTIALLY BY COVERED FOREIGN ENTITIES.—

(1) FEDERAL CONTRACTS.—The head of an executive agency may not enter into—

(A) a covered contract with a contractor that has an ownership interest, either directly or through a joint venture, of at least 25 percent that is held by a covered foreign entity; or

(B) a covered contract in which the contractor subcontracts with a subcontractor having such an ownership interest.

(2) USE OF FEDERAL FUNDS.—No Federal funds, including grant and loan funds, may be used to enter into a covered contract with a contractor or subcontractor having an ownership interest of at least 25 percent that is held by a covered foreign entity.

(3) WAIVER AUTHORITY.—The head of an executive agency may waive the prohibition under paragraph (1) or (2) on a case-by-case basis. Notice of each such waiver shall be provided to the Director of the Office of Management and Budget.

(4) EFFECTIVE DATE.—The prohibitions under paragraphs (1) and (2) apply to contracts and subcontracts entered into, extended, or renewed on or after the date that is two years after the date of the enactment of this Act.

(c) ROLE OF FEDERAL ACQUISITION SECURITY COUNCIL IN ENDING RELIANCE ON PEOPLE'S REPUBLIC OF CHINA FOR CERTAIN ITEMS.—Section 1323(a)(1) of title 41, United States Code, is amended—

(1) by redesignating paragraph (7) as paragraph (8); and

(2) by inserting after paragraph (6) the following new paragraph:

''(8) Seeking to end the reliance of the United States Government on the People's Republic of China for—

''(A) information technology;

''(B) critical infrastructure;

''(C) semiconductors;

''(D) medical equipment; and

''(E) emerging technologies identified by the Secretary of Commerce pursuant to the rulemaking undertaken in accordance with the advance notice of proposed rulemaking entitled, 'Review of Controls for Certain Emerging Technologies' (83 Fed. Reg. 58201).''.

SA 2551. Mr. SCOTT of Florida submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

Subtitle ____—American-Made Protection for Healthcare Workers and First Responders

SEC. ___01. SHORT TITLE.

This subtitle may be cited as the ''American-Made Protection for Healthcare Workers and First Responders Act''.

SEC. ___02. INCLUSION OF PERSONAL PROTECTIVE EQUIPMENT IN THE STRATEGIC NATIONAL STOCKPILE.

Section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)) is amended by adding at the end the following:

''(6) PERSONAL PROTECTIVE EQUIPMENT.—

''(A) IN GENERAL.—The Secretary, in coordination with the Secretary of Homeland Security, shall ensure that the supplies of the strategic national stockpile includes personal protective equipment in a quantity that is sufficient for a 1-year supply during a nationwide pandemic.

''(B) DEFINITION.—In this paragraph, the term 'personal protective equipment'—

''(i) has the meaning given such term by the Commissioner of Food and Drugs, which includes protective clothing, helmets, gloves, face shields, goggles, facemasks, and other equipment designed to protect the wearer from injury or the spread of infection or illness; and

''(ii) includes ventilators, respirators, disinfecting wipes, and hand sanitizer.

''(7) CONGRESSIONAL BRIEFINGS.—Not later than 180 days after the date of enactment of this paragraph, and every 180 days thereafter until the date that is 5 years after the date of enactment of this paragraph, the Secretary shall provide a briefing to the Committee on Homeland Security and Governmental Affairs of the Senate and the Committee on Homeland Security of the House of Representatives on the inventory of drugs, vaccines and other biological products, medical devices, and other supplies in the strategic national stockpile.''.

SEC. ___03. NATIONAL STRATEGIC STOCKPILE OF PERSONAL PROTECTIVE EQUIPMENT FOR FIRST RESPONDERS.

(a) IN GENERAL.—Title V of the Homeland Security Act of 2002 (6 U.S.C. 311 et seq.) is amended by adding at the end the following:

''SEC. 529. NATIONAL STRATEGIC STOCKPILE OF PERSONAL PROTECTIVE EQUIPMENT FOR FIRST RESPONDERS.

''(a) DEFINITIONS.—In this section—

''(1) the term 'first responder' means a 'public safety officer' as defined in section 1204 of title I of the Omnibus Crime Control and Safe Streets Act of 1968 (34 U.S.C. 10284); and

''(2) the term 'personal protective equipment'—

''(A) has the meaning given such term in paragraph (6) of section 319F–2(a) of the Public Health Service Act (42 U.S.C. 247d–6b(a)); and

''(B) includes such other equipment as determined appropriate by the Secretary.

''(b) REQUIREMENT.—The Secretary shall—

''(1) establish and maintain a national strategic stockpile of personal protective equipment for use by first responders during an emergency declared under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)) or under the National Emergencies Act (50 U.S.C. 1601 et seq.); and

''(2) make such personal protective equipment available, on a reimbursable basis, to first responder agencies.

''(c) REIMBURSEMENT.—In lieu of reimbursement from a first responder agency under subsection (b), the Secretary may accept reimbursement from the State, or political subdivision thereof, in which the first responder agency is located.''.

(b) TECHNICAL AND CONFORMING AMENDMENT.—The table of contents in section 1(b) of the Homeland Security Act of 2002 (Public Law 107–296; 116 Stat. 2135) is amended by inserting after the item relating to section 528 the following:

''Sec. 529. National strategic stockpile of personal protective equipment for first responders.''.

SEC. ___04. PRE-DISASTER CONTRACTS.

The Secretary of Health and Human Services (referred to in this section as the ''Secretary'') shall enter into contracts with suppliers of personal protective equipment (as defined in section 319F–2(a)(6)(B) of the Public Health Service Act (as amended by this subtitle)) for the procurement by the Federal Government of such equipment in the event of a public health emergency declared under section 319 of the Public Health Service Act (42 U.S.C. 247d), under section 501(b) of the Robert T. Stafford Disaster Relief and Emergency Assistance Act (42 U.S.C. 5191(b)), or under the National Emergencies Act (50 U.S.C. 1601 et seq.).

SEC. ___05. PROHIBITION ON PROCUREMENT OF PERSONAL PROTECTIVE EQUIPMENT FROM COVERED FOREIGN ENTITIES.

(a) PROCUREMENT PROHIBITION.—An executive agency may not procure by contract, subcontract, grant, or cooperative agreement any personal protective equipment sourced, manufactured, or assembled in whole or in part by a covered foreign entity. To the extent possible, executive agencies shall procure personal protective equipment sourced, manufactured, or assembled in whole or in part in the United States.

(b) PROHIBITION ON USE OF FEDERAL FUNDS FOR FOREIGN PROCUREMENT.—No Federal funds, whether made available by contract, grant, or cooperative agreement, may be used to procure personal protective equipment sourced, manufactured, or assembled in whole or in part by a covered foreign entity.

(c) EFFECTIVE DATE.—The prohibitions under subsections (a) and (b) shall take effect on the date that is one year after the date of the enactment of this Act.

SEC. ___06. INELIGIBILITY FOR FEDERAL CONTRACTING AS RESULT OF UNREASONABLE FAILURE TO PERFORM A CONTRACT FOR THE PROCUREMENT OF PERSONAL PROTECTIVE EQUIPMENT.

Any Federal contractor or subcontractor determined by the head of an executive agency to have unreasonably failed to perform a contract for the procurement of personal protective equipment shall be ineligible to receive a Federal contract for a period of 10 years following such determination.

SEC. ___07. DEFINITIONS.

In this subtitle:

(1) COVERED FOREIGN ENTITY.—The term ''covered foreign entity'' means—

(A) a covered entity designated by the Secretary of Commerce;

(B) an entity included on the Consolidated Screening List;

(C) any entity that is subject to extrajudicial direction from a foreign government, as determined by the Secretary of Homeland Security;

(D) any entity the Secretary of Homeland Security, in coordination with the Director of National Intelligence and the Secretary of Defense, determines poses a national security risk;

(E) any entity domiciled in the People's Republic of China or subject to influence or control by the Government of the People's Republic of China or the Communist Party of the People's Republic of China, as determined by the Secretary of Homeland Security; or

(F) any subsidiary or affiliate of an entity described in subparagraphs (A) through (D).

(2) EXECUTIVE AGENCY.—The term ''executive agency'' has the meaning given the term in section 133 of title 41, United States Code.

(3) PERSONAL PROTECTIVE EQUIPMENT.—The term ''personal protective equipment'' has the meaning given such term in section 319F–2(a)(6)(B) of the Public Health Service Act (as amended by this subtitle).

SA 2552. Mr. SCOTT of Florida (for himself, Ms. ERNST, and Ms. MCSALLY) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

TITLE ___—AFFORDABLE CORONAVIRUS TESTING

SEC. __01. SHORT TITLE.

This title may be cited as the ''Affordable Coronavirus Testing Act''.

SEC. __02. COVERAGE OF CORONAVIRUS ANTIBODY TESTS.

(a) COVERAGE.—

(1) IN GENERAL.—A group health plan and a health insurance issuer offering group or individual health insurance coverage (including a grandfathered health plan (as defined in section 1251(e) of the Patient Protection and Affordable Care Act) shall provide coverage, and shall not impose any cost sharing (including deductibles, copayments, and coinsurance) requirements or prior authorization or other medical management requirements, for eligible COVID–19 serology tests performed during any portion of the 2020 or 2021 plans years.

(2) ELIGIBLE TEST.—For purpose of paragraph (1), an eligible COVID–19 serology test shall include the following:

(A) A test that has been approved, cleared, or authorized under section 510(k), 513, 515, or 564 of the Federal Food, Drug, and Cosmetic Act for the detection of the presence of SARS–CoV–2 antibodies.

(B) A serology test kit that is made available within the 10-day grace period prior to an emergency use authorization submission and with respect to which such emergency use authorization submission is under consideration, except that this subparagraph shall not apply in the case of a serology test kit where the emergency use authorization submission request under section 564 of the Federal Food, Drug, and Cosmetic Act has been denied or not submitted within a reasonable timeframe.

(C) A serology laboratory developed test that the Food and Drug Administration permits for clinical use without an emergency use authorization submission.

(D) Any other test the Secretary determines appropriate through guidance.

(b) ENFORCEMENT.—The provisions of this section shall be applied by the Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury to group health plans and health insurance issuers offering group or individual health insurance coverage as if included in the provisions of part A of title XXVII of the Public Health Service Act, part 7 of the Employee Retirement Income Security Act of 1974, and subchapter B of chapter 100 of the Internal Revenue Code of 1986, as applicable.

(c) IMPLEMENTATION.—The Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury may implement the provisions of this section through sub-regulatory guidance, program instruction or otherwise.

(d) RULE OF CONSTRUCTION.—Nothing in this title, or the amendments made by this title, shall be construed to limit the number of COVID–19 serology tests that will be covered with respect to an individual under this title (or amendments).

(e) TERMS.—In this section:

(1) GENERAL TERMS.—The terms ''group health plan'', ''health insurance issuer'', ''group health insurance coverage'', and ''individual health insurance coverage'' shall have the meanings given such terms in section 2791 of the Public Health Service Act (42 U.S.C. 300gg–91), section 733 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1191b), and section 9832 of the Internal Revenue Code of 1986, as applicable.

(2) MEDICAL MANAGEMENT.—The term ''medical management'' includes requirements relating to clinical criteria for coverage, frequency limitations, and similar restrictions as determined by the Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury.

(f) CONFORMING AMENDMENT.—Section 6001(d) of the Families First Coronavirus Response Act (42 U.S.C. 1320b–5 note) is amended—

(1) by striking ''The terms'' and inserting the following:

''(1) IN GENERAL.—The terms''; and

(2) by adding at the end the following:

''(2) MEDICAL MANAGEMENT.—The term 'medical management' includes requirements relating to clinical criteria for coverage, frequency limitations, and similar restrictions as determined by the Secretary of Health and Human Services, Secretary of Labor, and Secretary of the Treasury.''.

SEC. __03. COVERAGE OF CORONAVIRUS ANTIBODY TESTS AT NO COST SHARING UNDER MEDICARE.

(a) IN GENERAL.—Section 1833(cc)(1)(A)(iii) of the Social Security Act (42 U.S.C. 13951(cc)(1)(A)(iii) is amended by inserting the following before the semicolon: ''or a COVID–19 serology test described in section 1852(a)(1)(B)(VII)''.

(b) COVERAGE UNDER MEDICARE ADVANTAGE.—Section 1852(a)(1)(B) of the Social Security Act (42 U.S.C. 1395w–22(a)(1)(B)) is amended—

(1) in clause (iv)—

(A) by redesignating subclause (VII) as subclause (VIII); and

(B) by inserting after subclause (VI) the following new clause:

''(VII) A COVID–19 serology test administered during any portion of the 2-year period beginning on January 1, 2020, that begins on or after the date of enactment of this subclause, and the administration of such test.'';

(2) in clause (v), by striking ''and (VI)'' and inserting ''(VI), and (VII)''; and

(3) in clause (vi), by inserting '', or in the case of a product or service described in subclause (VII) of such clause that is administered or furnished during any portion of the period described in such subclause'' after ''this clause''.

SEC. __04. COVERAGE OF CORONAVIRUS ANTIBODY TESTS UNDER MEDICAID AND CHIP.

(a) MEDICAID.—

(1) IN GENERAL.—Section 1905(a)(3) of the Social Security Act (42 U.S.C. 1396d(a)(3)) is amended—

(A) in subparagraph (A), by striking ''; and'' and inserting a semicolon;

(B) in subparagraph (B), by inserting ''and'' after the semicolon; and

(C) by adding at the end the following new subparagraph:

''(C) COVID–19 serology tests administered during any portion of the 2-year period beginning on January 1, 2020, that begins on or after the date of enactment of this subparagraph, and the administration of such tests;''.

(2) NO COST SHARING.—

(A) IN GENERAL.—Subsections (a)(2) and (b)(2) of section 1916 of the Social Security Act (42 U.S.C. 1396o) are each amended—

(i) in subparagraph (F), by striking ''or'' at the end;

(ii) by redesignating subparagraph (G) as subparagraph (H); and

(iii) by inserting after subparagraph (F) the following new subparagraph:

''(G) any COVID–19 serology test described in section 1905(a)(3)(C) that is performed during any portion of the 2-year period described in such section beginning on or after the date of enactment of this subparagraph (and the administration of such test), or''.

(B) APPLICATION TO ALTERNATIVE COST SHARING.—Section 1916A(b)(3)(B) of the Social Security Act (42 U.S.C. 1396o–1(b)(3)(B)) is amended by adding at the end the following new clause:

''(xii) Any COVID–19 serology test described in section 1905(a)(3)(C) that is administered during any portion of the 2-year period described in such section beginning on or after the date of enactment of this clause (and the administration of such test).''.

(C) CLARIFICATION.—The amendments made in this paragraph shall apply with respect to a State plan of a territory in the same manner as a State plan of one of the 50 States.

(b) CHIP.—

(1) IN GENERAL.—Section 2103(c) of the Social Security Act (42 U.S.C. 1397cc(c)) is amended by adding at the end the following paragraph:

''(11) COVID–19 SEROLOGY TESTING.—The child health assistance provided to a targeted low-income child shall include coverage of any COVID–19 serology test described in section 1905(a)(3)(C) that is administered during any portion of the 2-year period described in such section beginning on or after the date of the enactment of this subparagraph (and the administration of such test).''.

(2) PROHIBITION OF COST SHARING.—Section 2103(e)(2) of the Social Security Act (42 U.S.C. 1397cc(e)(2)) is amended by inserting ''COVID–19 serology tests described in subsection (c)(11) (and administration of such tests),'' after ''products),''.

SEC. __05. COVERAGE OF CORONAVIRUS ANTIBODY TESTS UNDER THE TRICARE PROGRAM.

(a) IN GENERAL.—The Secretary of Defense shall provide coverage under the TRICARE program, and shall not impose any cost sharing (including deductibles, copayments, and coinsurance) requirements or prior authorization or other medical management requirements, for COVID–19 serology tests performed for covered beneficiaries during calendar year 2020 or 2021.

(b) DEFINITIONS.—In this section, the terms ''TRICARE program'' and ''covered beneficiary'' have the meanings given those terms in section 1072 of title 10, United States Code.

SEC. __06. COVERAGE OF CORONAVIRUS ANTIBODY TESTS FROM DEPARTMENT OF VETERANS AFFAIRS.

(a) IN GENERAL.—The Secretary of Veterans Affairs shall furnish a COVID–19 serology test to any enrolled veteran, upon request by the veteran, during calendar years 2020 and 2021 and shall not impose any cost sharing (including deductibles, copayments, and coinsurance) requirements or prior authorization or other medical management requirements for the receipt of such a test by an enrolled veteran during such period.

(b) ENROLLED VETERAN DEFINED.—In this section, the term ''enrolled veteran'' means a veteran enrolled in the system of annual patient enrollment of the Department of Veterans Affairs established and operated under section 1705(a) of title 38, United States Code.

SEC. __07. COVERAGE OF CORONAVIRUS ANTIBODY TESTS UNDER FEHBP.

Section 8902 of title 5, United States Code, is amended by adding at the end the following:

''(p) A contract for a plan under this chapter shall—

''(1) require the carrier to provide coverage for—

''(A) a COVID–19 serology test administered on any date during the period beginning on the date of enactment of this subsection and ending on December 31, 2021; and

''(B) the administration of a test described in subparagraph (A); and

''(2) prohibit the carrier from imposing any cost sharing requirement (including a deductible, copayment, or coinsurance requirement), or prior authorization or other medical management requirement, with respect to a test described in paragraph (1)(A).''.

SEC. __08. REIMBURSEMENT FOR UNINSURED PATIENT COSTS.

The Secretary of Health and Human Services shall utilize amounts in the Public Health and Social Services Emergency Fund (as established in the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136)) to reimburse health care providers for the costs of providing health care services for the diagnosis and treatment of COVID–19 for individuals who are not covered under a group health plan or other health insurance coverage.

SEC. __09. ELECTRONIC REPORTING STANDARDS.

(a) COMMITTEE.—

(1) IN GENERAL.—Not later than 30 days after the date of enactment of this Act, the Secretary of Health and Human Services shall convene a committee to make recommendations to the Secretary on the expedited adoption of private sector standards (as defined in section 1171(7) of the Social Security Act (42 U.S.C. 1320d(7))) and the platform described in subsection (b).

(2) MEMBERSHIP.—The committee under paragraph (1) shall include representatives of—

(A) the Centers for Disease Control and Prevention;

(B) the Office of Civil Rights of the Department of Health and Human Services;

(C) the Office of the National Coordinator for Health Information Technology;

(D) the Department of Defense;

(E) the Department of Veterans Affairs;

(F) the Centers for Medicare & Medicaid Services; and

(G) standards development organizations defined under section 1171(8) of the Social Security Act (42 U.S.C. 1320d(8)), including the National Council for Prescription Drug Programs and Health Level 7.

(b) STANDARDS AND PLATFORM.—Not later than 60 days after the date of the convening of the committee in subsection (a)(1), the committee shall recommend standards, implementation guidelines, and the attributes of a health data platform that facilitates the real-time sharing of information for both public health and clinical health that allows for—

(1) interoperable electronic reporting standards for the sharing of electronic patient data, including case reports, laboratory results, serology, immunology, and hospital capacity data;

(2) standardized electronic information reporting for the automated e-reporting of COVID–19 or future epidemic surveillance results from health care providers, laboratories, and other sources to the Centers for Disease Control and Prevention and State and local departments of health;

(3) standardized immunization data that is shared with immunization registries, medication history, and serology available at the point of care for clinicians; and

(4) a common platform for automated queries and responses from hospitals, physicians, and other prescribers and pharmacies to—

(A) collect, maintain, and provide to prescribers and dispensers, in real-time and within ordinary clinical workflow, information on patient prescription and dispensing history, relevant clinical diagnoses, laboratory test results, vaccinations through pharmaceutical claims, and electronic prescribing data transactions to treat patients; and

(B) allow for the relevant information to be reported to public health officials for the purposes of infectious disease surveillance, identification, and containment consistent with any electronic case reporting system.

Such recommendations shall be prioritized in order of impact on improvements to public and clinical health.

(c) ADOPTION OF STANDARDS.—Not later than 90 days after receipt of the recommendations under subsection (b), and in consultation with American National Standards Institute Accredited Standards Development Organizations, the Secretary of Health and Human Services shall adopt priority standards and implementation specifications recommended by the committee under subsection (a) on an expedited basis without regard to the process described in section 1174 of the Social Security Act (with respect to limits on the timeframe for adoption of the standards) (42 U.S.C. 1320d–3).

(d) ADOPTION OF PLATFORM.—Not later than 90 days after receipt of the recommendations under subsection (b) on a common platform as described in subsection (b)(4), the Secretary of Health and Human Services shall enter into a contract with a private sector entity to establish such platform, which shall be available for use within 180 days of the date of such contract.

(e) REPORT.—Not later than 30 days after the date on which the committee established under subsection (a) makes recommendations for standards and the platform under subsection (b), the committee shall submit to the appropriate committees of Congress a report on such standards and platform, including any legislative changes that would be necessary to implement such standards and platform.

SA 2553. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. VOLUNTARY PROTECTION PROGRAM.

(a) COOPERATIVE RELATIONSHIPS.—The Secretary of Labor shall establish a program of entering into cooperative relationships with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management leadership and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

(2) PROGRAM REQUIREMENTS.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—

(i) IN GENERAL.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees.

(ii) TREATMENT OF HAZARDS.—Any representative of the Secretary of Labor who is conducting an onsite evaluation under clause (i)—

(I) shall not issue, or recommend the issuance of, citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) related to any of the hazards identified during the evaluation; and

(II) may refer any hazard identified during the evaluation to the Assistant Secretary of

Labor for Occupational Safety and Health for review and enforcement action, if—

(aa) employees are exposed to the hazard; and

(bb) after reasonable efforts, the Secretary's representative is unable to reach agreement with the employer on the correction of the hazard.

(C) INFORMATION.—Each employer whose worksite is approved by the Secretary of Labor for participation in the program shall ensure information about the safety and health program is made readily available to each employee who is performing work at the worksite.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) MONITORING.—To ensure proper controls and measurement of program performance for the voluntary protection program under this section, the Secretary of Labor shall direct the Assistant Secretary of Labor for Occupational Safety and Health to take the following actions:

(A) Develop a documentation policy regarding information on follow-up actions taken by the regional offices of the Occupational Safety and Health Administration in response to fatalities and serious injuries at worksites participating in the voluntary protection program.

(B) Establish internal controls that ensure consistent compliance by the regional offices of the Occupational Safety and Health Administration with the voluntary protection program policies of the Occupational Safety and Health Administration for conducting onsite reviews and monitoring injury and illness rates, to ensure that only qualified worksites participate in the program.

(C) Establish a system for monitoring the performance of the voluntary protection program by developing specific performance goals and measures for the program.

(4) EXEMPTIONS.—A worksite with respect to which a voluntary protection program has been approved shall, during participation in the program, be exempt from programmed inspections, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

(5) NO PAYMENTS REQUIRED.—The Secretary of Labor shall not require any form of payment for an employer to qualify or participate in the voluntary protection program.

(c) TRANSITION.—The Secretary of Labor shall take such steps as may be necessary for the orderly transition from the cooperative relationships and voluntary protection programs carried out by the Occupational Safety and Health Administration as of the day before the date of enactment of this Act, to the cooperative relationships and voluntary protection program authorized under this section. In making such transition, the Secretary shall ensure that—

(1) the voluntary protection program authorized under this section is based upon and consistent with the voluntary protection programs carried out on the day before the date of enactment of this Act; and

(2) each employer that, as of the day before the date of enactment of this Act, had an active cooperative relationship under the voluntary protection programs carried out by the Occupational Safety and Health Administration and was in good standing with respect to the duties and responsibilities under such agreement, shall have the option to continue participating in the voluntary protection program authorized under this section.

(d) REGULATIONS AND IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall issue final regulations for the voluntary protection program authorized under this section and shall begin implementation of the program.

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

SA 2554. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. __. VOLUNTARY PROTECTION PROGRAM.

(a) COOPERATIVE RELATIONSHIPS.—The Secretary of Labor shall establish a program of entering into cooperative relationships with employers to encourage the establishment of comprehensive safety and health management systems that include—

(1) requirements for systematic assessment of hazards;

(2) comprehensive hazard prevention, mitigation, and control programs;

(3) active and meaningful management leadership and employee participation in the voluntary program described in subsection (b); and

(4) employee safety and health training.

(b) VOLUNTARY PROTECTION PROGRAM.—

(1) IN GENERAL.—The Secretary of Labor shall establish and carry out a voluntary protection program (consistent with subsection (a)) to encourage excellence and recognize the achievement of excellence in both the technical and managerial protection of employees from occupational hazards.

(2) PROGRAM REQUIREMENTS.—The voluntary protection program shall include the following:

(A) APPLICATION.—Employers who volunteer under the program shall be required to submit an application to the Secretary of Labor demonstrating that the worksite with respect to which the application is made meets such requirements as the Secretary of Labor may require for participation in the program.

(B) ONSITE EVALUATIONS.—

(i) IN GENERAL.—There shall be onsite evaluations by representatives of the Secretary of Labor to ensure a high level of protection of employees.

(ii) TREATMENT OF HAZARDS.—Any representative of the Secretary of Labor who is conducting an onsite evaluation under clause (i)—

(I) shall not issue, or recommend the issuance of, citations under the Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) related to any of the hazards identified during the evaluation; and

(II) may refer any hazard identified during the evaluation to the Assistant Secretary of Labor for Occupational Safety and Health for review and enforcement action, if—

(aa) employees are exposed to the hazard; and

(bb) after reasonable efforts, the Secretary's representative is unable to reach agreement with the employer on the correction of the hazard.

(C) INFORMATION.—Each employer whose worksite is approved by the Secretary of Labor for participation in the program shall ensure information about the safety and health program is made readily available to each employee who is performing work at the worksite.

(D) REEVALUATIONS.—Periodic reevaluations by the Secretary of Labor of the employers shall be required for continued participation in the program.

(3) MONITORING.—To ensure proper controls and measurement of program performance for the voluntary protection program under this section, the Secretary of Labor shall direct the Assistant Secretary of Labor for Occupational Safety and Health to take the following actions:

(A) Develop a documentation policy regarding information on follow-up actions taken by the regional offices of the Occupational Safety and Health Administration in response to fatalities and serious injuries at worksites participating in the voluntary protection program.

(B) Establish internal controls that ensure consistent compliance by the regional offices of the Occupational Safety and Health Administration with the voluntary protection program policies of the Occupational Safety and Health Administration for conducting onsite reviews and monitoring injury and illness rates, to ensure that only qualified worksites participate in the program.

(C) Establish a system for monitoring the performance of the voluntary protection program by developing specific performance goals and measures for the program.

(4) EXEMPTIONS.—A worksite with respect to which a voluntary protection program has been approved shall, during participation in the program, be exempt from programmed inspections, except that this paragraph shall not apply to inspections or investigations arising from employee complaints, fatalities, catastrophes, or significant toxic releases.

(5) NO PAYMENTS REQUIRED.—The Secretary of Labor shall not require any form of payment for an employer to qualify or participate in the voluntary protection program.

(c) TRANSITION.—The Secretary of Labor shall take such steps as may be necessary for the orderly transition from the cooperative relationships and voluntary protection programs carried out by the Occupational Safety and Health Administration as of the day before the date of enactment of this Act, to the cooperative relationships and voluntary protection program authorized under this section. In making such transition, the Secretary shall ensure that—

(1) the voluntary protection program authorized under this section is based upon and consistent with the voluntary protection programs carried out on the day before the date of enactment of this Act; and

(2) each employer that, as of the day before the date of enactment of this Act, had an active cooperative relationship under the voluntary protection programs carried out by the Occupational Safety and Health Administration and was in good standing with respect to the duties and responsibilities under such agreement, shall have the option to continue participating in the voluntary protection program authorized under this section.

(d) REGULATIONS AND IMPLEMENTATION.—Not later than 2 years after the date of enactment of this Act, the Secretary of Labor shall issue final regulations for the voluntary protection program authorized under this section and shall begin implementation of the program.

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

SA 2555. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of

ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TIMELY BILLS FOR PATIENTS.

(a) IN GENERAL.—

(1) AMENDMENT.—Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.), is amended—

(A) by redesignating the second section 2794 (42 U.S.C. 300gg–95) (relating to uniform fraud and abuse referral format), as added by section 6603 of the Patient Protection and Affordable Care Act (Public Law 111–148), as section 2795; and

(B) by adding at the end the following:

"SEC. 2796. PROVIDER PROVISION OF TIMELY BILLS FOR PATIENTS.

''(a) IN GENERAL.—The Secretary shall require—

''(1) health care facilities, or in the case of practitioners providing services outside of such a facility, practitioners, to provide to a patient a list of services rendered to such patient during the visit to such facility or practitioner, and, in the case of a facility, the name of the practitioner for each such service, upon discharge or end of the visit or by postal or electronic communication as soon as practicable and not later than 15 calendar days after discharge or date of visit; and

''(2) subject to subsection (e), health care facilities and practitioners to furnish all bills reflecting claims adjudicated between the relevant provider and group health plan or health insurance issuer offering group or individual health insurance coverage, to the patient as soon as practicable, but not later than 90 calendar days after discharge or date of visit.

''(b) ADJUDICATION OF BILLS.—For purposes of meeting the requirements of subsection (a), in the case of services provided to an individual covered by a group health plan or group or individual health insurance coverage—

''(1) the health care facility, or in the case of a practitioner providing services outside of such a facility, the practitioner, shall submit to the applicable group health plan or health insurance issuer the bill with respect to such services not later than 30 calendar days after discharge or date of visit of the individual;

''(2) a group health plan or health insurance issuer receiving a bill as described in paragraph (1) shall, not later than 30 calendar days after such bill is transmitted by the facility or practitioner, complete adjudication of the bill and send such adjudicated bill to the facility or practitioner, as applicable under paragraph (1); and

''(3) the health care facility or practitioner, as applicable under paragraph (1), shall, not later than 30 calendar days after transmission of the adjudicated bill as described in paragraph (2), send such bill to the individual.

''(c) PAYMENT AFTER BILLING.—No patient may be required to pay a bill for health care services any earlier than 45 days after the postmark date of a bill for such services.

''(d) EFFECT OF VIOLATION.—

''(1) NOTIFICATION AND REFUND REQUIREMENTS.—

''(A) PROVIDER LISTS.—If a facility or practitioner fails to provide a patient a list as required under subsection (a)(1), such facility or practitioner shall report such failure to the Secretary.

''(B) BILLING.—If a facility or practitioner bills a patient after the 60-calendar-day period described in subsection (a)(2), such facility or practitioner shall—

''(i) report such bill to the Secretary; and

''(ii) refund the patient for the full amount paid in response to such bill with interest, at a rate determined by the Secretary.

''(2) CIVIL MONETARY PENALTIES.—

''(A) IN GENERAL.—The Secretary may impose civil monetary penalties of up to $10,000 on any facility or practitioner as follows:

''(i) In the case of a facility or practitioner that fails to provide a list required under subsection (a)(1) 10 or more times, such penalties may be imposed, with respect to each such failure. Such penalties may be imposed, with respect to each such failure, for each day, beginning on the date of the tenth failure and ending on the day on which the facility or practitioner provides the relevant list.

''(ii) In the case of a facility or practitioner that submits 10 or more bills outside of the period described in subsection (a)(2), such penalties may be imposed with respect to each such bill, each day, beginning on the date on which such facility or practitioner sends each such bill and ending on the date such facility or practitioner withdraws such bill.

''(iii) In the case of a facility or practitioner that fails to report to the Secretary any failure to provide lists as required under paragraph (1)(A), such penalties may be imposed, each day, beginning on the date that is 60 calendar days after the date of discharge or visit, as applicable, and ending on the date of reporting.

''(iv) In the case of a facility or practitioner that fails to send any bill as required under subsection (a)(2), such penalties may be imposed, each day, beginning on the date that is 60 calendar days after the date of discharge or visit, as applicable, and ending on the date of sending such bill.

''(v) In the case of a facility or practitioner that requires a patient to pay a bill for health care services earlier than 45 days after the postmark date of such bill, such penalties may be imposed for each bill issued in violation of subsection (b).

''(B) PROCEDURE.—The provisions of section 1128A of the Social Security Act, other than subsections (a) and (b) and the first sentence of subsection (c)(1) of such section, shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act.

''(3) EXEMPTIONS.—The Secretary may exempt a practitioner or facility from the penalties under paragraph (2)(A) or extend the period of time specified in subsection (a)(2) for compliance with such subsection if a practitioner or facility—

''(A) makes a good-faith attempt to send a bill within the period of time specified in subsection (a)(2) but is unable to do so because of an incorrect address; or

''(B) experiences extenuating circumstances (as defined by the Secretary), such as a hurricane or cyberattack, that may reasonably delay delivery of a timely bill.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 to coverage determinations or claims subject to the requirements of this section. The periods described in subsections (a)(2), (b), and (c) shall be tolled during any period during which a claim is subject to an appeal under section 2719, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal.''.

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations to implement section 2796 of the Public Health Service Act, as added by paragraph (1). Such regulations shall include—

(A) a definition of the term ''extenuating circumstance'' for purposes of subsection (d)(3)(B) of such section 2796; and

(B) a definition of the term ''date of service'' for purposes of subsection (b)(1), with respect to providers submitting global packages for services provided on multiple visits.

(b) GROUP HEALTH PLAN AND HEALTH INSURANCE ISSUER REQUIREMENTS.—

(1) PHSA.—Part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg) is amended by adding at the end the following:

"SEC. 2729A. TIMELY BILLS FOR PATIENTS.

''(a) IN GENERAL.—A group health plan or health insurance issuer offering group or individual health insurance coverage shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan or issuer in order to facilitate facility and practitioner compliance with the requirements under section 2796(a).

''(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan or health insurance issuer from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan or issuer necessary for meeting the deadline described in section 2796(a)(2).

''(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b) shall be tolled during any period during which a claim is subject to an appeal under section 2719, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan or health insurance issuer that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2799B–10 may be found to be in violation of this part.''.

(2) ERISA.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 716. TIMELY BILLS FOR PATIENTS.

''(a) IN GENERAL.—A group health plan (or health insurance coverage offered in connection with such a plan) shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan or issuer in order to facilitate facility and practitioner compliance with the requirements under section 2796(a) of the Public Health Service Act.

''(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan (or health insurance coverage offered in connection with such a plan) from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan or issuer necessary for meeting the deadline described in section 2796(a)(2) of the Public Health Service Act.

''(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 of the Public Health Service Act to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b)

shall be tolled during any period during which a claim is subject to an appeal under section 2719 of the Public Health Service Act, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan or health insurance issuer that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2796 of the Public Health Service Act may be found to be in violation of this subpart.''.

(3) IRC.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

''SEC. 9816. TIMELY BILLS FOR PATIENTS.

''(a) IN GENERAL.—A group health plan shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan in order to facilitate facility and practitioner compliance with the requirements under section 2796(a) of the Public Health Service Act.

''(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan necessary for meeting the deadline described in section 2796(a)(2) of the Public Health Service Act.

''(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 of the Public Health Service Act to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b) shall be tolled during any period during which a claim is subject to an appeal under section 2719 of the Public Health Service Act, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2796 of the Public Health Service Act may be found to be in violation of this chapter.''.

(4) CLERICAL AMENDMENTS.—

(A) ERISA.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), as amended by the previous sections, is further amended by inserting after the item relating to section 715 the following new item:

''716. Timely bills for patients.''.

(B) IRC.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''9816. Timely bills for patients.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply beginning 6 months after the date of enactment of this Act.

SA 2556. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. TIMELY BILLS FOR PATIENTS.

(a) IN GENERAL.—

(1) AMENDMENT.—Part C of title XXVII of the Public Health Service Act (42 U.S.C. 300gg–91 et seq.), is amended—

(A) by redesignating the second section 2794 (42 U.S.C. 300gg–95) (relating to uniform fraud and abuse referral format), as added by section 6603 of the Patient Protection and Affordable Care Act (Public Law 111–148), as section 2795; and

(B) by adding at the end the following:

''SEC. 2796. PROVIDER PROVISION OF TIMELY BILLS FOR PATIENTS.

''(a) IN GENERAL.—The Secretary shall require—

''(1) health care facilities, or in the case of practitioners providing services outside of such a facility, practitioners, to provide to a patient a list of services rendered to such patient during the visit to such facility or practitioner, and, in the case of a facility, the name of the practitioner for each such service, upon discharge or end of the visit or by postal or electronic communication as soon as practicable and not later than 15 calendar days after discharge or date of visit; and

''(2) subject to subsection (e), health care facilities and practitioners to furnish all bills reflecting claims adjudicated between the relevant provider and group health plan or health insurance issuer offering group or individual health insurance coverage, to the patient as soon as practicable, but not later than 90 calendar days after discharge or date of visit.

''(b) ADJUDICATION OF BILLS.—For purposes of meeting the requirements of subsection (a), in the case of services provided to an individual covered by a group health plan or group or individual health insurance coverage—

''(1) the health care facility, or in the case of a practitioner providing services outside of such a facility, the practitioner, shall submit to the applicable group health plan or health insurance issuer the bill with respect to such services not later than 30 calendar days after discharge or date of visit of the individual;

''(2) a group health plan or health insurance issuer receiving a bill as described in paragraph (1) shall, not later than 30 calendar days after such bill is transmitted by the facility or practitioner, complete adjudication of the bill and send such adjudicated bill to the facility or practitioner, as applicable under paragraph (1); and

''(3) the health care facility or practitioner, as applicable under paragraph (1), shall, not later than 30 calendar days after transmission of the adjudicated bill as described in paragraph (2), send such bill to the individual.

''(c) PAYMENT AFTER BILLING.—No patient may be required to pay a bill for health care services any earlier than 45 days after the postmark date of a bill for such services.

''(d) EFFECT OF VIOLATION.—

''(1) NOTIFICATION AND REFUND REQUIREMENTS.—

''(A) PROVIDER LISTS.—If a facility or practitioner fails to provide a patient a list as required under subsection (a)(1), such facility or practitioner shall report such failure to the Secretary.

''(B) BILLING.—If a facility or practitioner bills a patient after the 60-calendar-day period described in subsection (a)(2), such facility or practitioner shall—

''(i) report such bill to the Secretary; and

''(ii) refund the patient for the full amount paid in response to such bill with interest, at a rate determined by the Secretary.

''(2) CIVIL MONETARY PENALTIES.—

''(A) IN GENERAL.—The Secretary may impose civil monetary penalties of up to $10,000 on any facility or practitioner as follows:

''(i) In the case of a facility or practitioner that fails to provide a list required under subsection (a)(1) 10 or more times, such penalties may be imposed, with respect to each such failure. Such penalties may be imposed, with respect to each such failure, for each day, beginning on the date of the tenth failure and ending on the day on which the facility or practitioner provides the relevant list.

''(ii) In the case of a facility or practitioner that submits 10 or more bills outside of the period described in subsection (a)(2), such penalties may be imposed with respect to each such bill, each day, beginning on the date on which such facility or practitioner sends each such bill and ending on the date such facility or practitioner withdraws such bill.

''(iii) In the case of a facility or practitioner that fails to report to the Secretary any failure to provide lists as required under paragraph (1)(A), such penalties may be imposed, each day, beginning on the date that is 60 calendar days after the date of discharge or visit, as applicable, and ending on the date of reporting.

''(iv) In the case of a facility or practitioner that fails to send any bill as required under subsection (a)(2), such penalties may be imposed, each day, beginning on the date that is 60 calendar days after the date of discharge or visit, as applicable, and ending on the date of sending such bill.

''(v) In the case of a facility or practitioner that requires a patient to pay a bill for health care services earlier than 45 days after the postmark date of such bill, such penalties may be imposed for each bill issued in violation of subsection (b).

''(B) PROCEDURE.—The provisions of section 1128A of the Social Security Act, other than subsections (a) and (b) and the first sentence of subsection (c)(1) of such section, shall apply to civil money penalties under this subsection in the same manner as such provisions apply to a penalty or proceeding under section 1128A of the Social Security Act.

''(3) EXEMPTIONS.—The Secretary may exempt a practitioner or facility from the penalties under paragraph (2)(A) or extend the period of time specified in subsection (a)(2) for compliance with such subsection if a practitioner or facility—

''(A) makes a good-faith attempt to send a bill within the period of time specified in subsection (a)(2) but is unable to do so because of an incorrect address; or

''(B) experiences extenuating circumstances (as defined by the Secretary), such as a hurricane or cyberattack, that may reasonably delay delivery of a timely bill.

''(e) RULE OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 to coverage determinations or claims subject to the requirements of this section. The periods described in subsections (a)(2), (b), and (c) shall be tolled during any period during which a claim is subject to an appeal under section 2719, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal.''.

(2) RULEMAKING.—Not later than 1 year after the date of enactment of this Act, the Secretary of Health and Human Services shall promulgate final regulations to implement section 2796 of the Public Health Service Act, as added by paragraph (1). Such regulations shall include—

(A) a definition of the term ''extenuating circumstance'' for purposes of subsection (d)(3)(B) of such section 2796; and

(B) a definition of the term ''date of service'' for purposes of subsection (b)(1), with respect to providers submitting global packages for services provided on multiple visits.

(b) GROUP HEALTH PLAN AND HEALTH INSURANCE ISSUER REQUIREMENTS.—

(1) PHSA.—Part A of title XXVII of the Public Health Service Act (42 U.S.C. 300gg) is amended by adding at the end the following:

"SEC. 2729A. TIMELY BILLS FOR PATIENTS.

''(a) IN GENERAL.—A group health plan or health insurance issuer offering group or individual health insurance coverage shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan or issuer in order to facilitate facility and practitioner compliance with the requirements under section 2796(a).

''(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan or health insurance issuer from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan or issuer necessary for meeting the deadline described in section 2796(a)(2).

''(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b) shall be tolled during any period during which a claim is subject to an appeal under section 2719, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan or health insurance issuer that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2799B–10 may be found to be in violation of this part.''.

(2) ERISA.—Subpart B of part 7 of subtitle B of title I of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1185 et seq.) is amended by adding at the end the following:

"SEC. 716. TIMELY BILLS FOR PATIENTS.

''(a) IN GENERAL.—A group health plan (or health insurance coverage offered in connection with such a plan) shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan or issuer in order to facilitate facility and practitioner compliance with the requirements under section 2796(a) of the Public Health Service Act.

''(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan (or health insurance coverage offered in connection with such a plan) from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan or issuer necessary for meeting the deadline described in section 2796(a)(2) of the Public Health Service Act.

''(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 of the Public Health Service Act to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b) shall be tolled during any period during which a claim is subject to an appeal under section 2719 of the Public Health Service Act, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan or health insurance issuer that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2796 of the Public Health Service Act may be found to be in violation of this subpart.''.

(3) IRC.—Subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following:

"SEC. 9816. TIMELY BILLS FOR PATIENTS.

''(a) IN GENERAL.—A group health plan shall have in place business practices with respect to in-network facilities and practitioners to ensure that claims are adjudicated between the provider and the plan in order to facilitate facility and practitioner compliance with the requirements under section 2796(a) of the Public Health Service Act.

''(b) CLARIFICATION.—Nothing in subsection (a) prohibits a provider and a group health plan from establishing in a contract the timeline for submission by either party to the other party of billing information, adjudication, sending of remittance information, or any other coordination required between the provider and the plan necessary for meeting the deadline described in section 2796(a)(2) of the Public Health Service Act.

''(c) RULES OF CONSTRUCTION.—Nothing in this section shall be construed to limit applicability of the appeals process under section 2719 of the Public Health Service Act to coverage determinations or claims subject to the requirements of this section. Any timeline established under subsection (b) shall be tolled during any period during which a claim is subject to an appeal under section 2719 of the Public Health Service Act, provided that, in the case of such an appeal by the provider, the patient is informed of such appeal. A group health plan that knows or should have known that denials of a claim would lead to noncompliance by providers with section 2796 of the Public Health Service Act may be found to be in violation of this chapter.''.

(4) CLERICAL AMENDMENTS.—

(A) ERISA.—The table of contents in section 1 of the Employee Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), as amended by the previous sections, is further amended by inserting after the item relating to section 715 the following new item:

''716. Timely bills for patients.''.

(B) IRC.—The table of sections for subchapter B of chapter 100 of the Internal Revenue Code of 1986 is amended by adding at the end the following new item:

''9816. Timely bills for patients.''.

(c) EFFECTIVE DATE.—The amendments made by subsections (a) and (b) shall apply beginning 6 months after the date of enactment of this Act.

SA 2557. Mr. ENZI submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUTHORITY TO DESTROY COUNTERFEIT DEVICES.

(a) IN GENERAL.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the fourth sentence, by inserting ''or counterfeit device'' after ''counterfeit drug''; and

(2) by striking ''The Secretary of the Treasury shall cause the destruction of'' and all that follows through ''liable for costs pursuant to subsection (c).'' and inserting the following: ''The Secretary of the Treasury shall cause the destruction of any such article refused admission unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations, except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug or device refused admission under this section, if such drug or device is valued at an amount that is $2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and was not brought into compliance as described under subsection (b). The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug or device under the seventh sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug or device. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug or device, the Secretary of Health and Human Services shall store and, as applicable, dispose of the drug or device after the issuance of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c).''.

(b) DEFINITION.—Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—

(1) by redesignating subparagraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) after making such redesignations—

(A) by striking ''(h) The term'' and inserting ''(h)(1) The term''; and

(B) by adding at the end the following:

''(2) The term 'counterfeit device' means a device which, or the container, packaging, or labeling of which, without authorization, bears a trademark, trade name, or other identifying mark, imprint, or symbol, or any likeness thereof, or is manufactured using a design, of a device manufacturer, packer, or distributor other than the person or persons who in fact manufactured, packed, or distributed such device and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other device manufacturer, packer, or distributor.

''(3) For purposes of subparagraph (2)—

''(A) the term 'manufactured' refers to any of the following activities: manufacture, preparation, propagation, compounding, assembly, or processing; and

''(B) the term 'manufacturer' means a person who is engaged in any of the activities listed in clause (A).''.

SA 2558. Mr. ENZI submitted an amendment intended to be proposed by him to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. AUTHORITY TO DESTROY COUNTERFEIT DEVICES.

(a) IN GENERAL.—Section 801(a) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 381(a)) is amended—

(1) in the fourth sentence, by inserting ''or counterfeit device'' after ''counterfeit drug''; and

(2) by striking ''The Secretary of the Treasury shall cause the destruction of'' and all that follows through ''liable for costs pursuant to subsection (c).'' and inserting the following: ''The Secretary of the Treasury shall cause the destruction of any such article refused admission unless such article is exported, under regulations prescribed by the Secretary of the Treasury, within 90 days of the date of notice of such refusal or within such additional time as may be permitted pursuant to such regulations, except that the Secretary of Health and Human Services may destroy, without the opportunity for export, any drug or device refused admission under this section, if such drug or device is valued at an amount that is $2,500 or less (or such higher amount as the Secretary of the Treasury may set by regulation pursuant to section 498(a)(1) of the Tariff Act of 1930 (19 U.S.C. 1498(a)(1))) and was not brought into compliance as described under subsection (b). The Secretary of Health and Human Services shall issue regulations providing for notice and an opportunity to appear before the Secretary of Health and Human Services and introduce testimony, as described in the first sentence of this subsection, on destruction of a drug or device under the seventh sentence of this subsection. The regulations shall provide that prior to destruction, appropriate due process is available to the owner or consignee seeking to challenge the decision to destroy the drug or device. Where the Secretary of Health and Human Services provides notice and an opportunity to appear and introduce testimony on the destruction of a drug or device, the Secretary of Health and Human Services shall store and, as applicable, dispose of the drug or device after the issuance of the notice, except that the owner and consignee shall remain liable for costs pursuant to subsection (c).''.

(b) DEFINITION.—Section 201(h) of the Federal Food, Drug, and Cosmetic Act (21 U.S.C. 321(h)) is amended—

(1) by redesignating subparagraphs (1), (2), and (3) as clauses (A), (B), and (C), respectively; and

(2) after making such redesignations—

(A) by striking ''(h) The term'' and inserting ''(h)(1) The term''; and

(B) by adding at the end the following:

''(2) The term 'counterfeit device' means a device which, or the container, packaging, or labeling of which, without authorization, bears a trademark, trade name, or other identifying mark, imprint, or symbol, or any likeness thereof, or is manufactured using a design, of a device manufacturer, packer, or distributor other than the person or persons who in fact manufactured, packed, or distributed such device and which thereby falsely purports or is represented to be the product of, or to have been packed or distributed by, such other device manufacturer, packer, or distributor.

''(3) For purposes of subparagraph (2)—

''(A) the term 'manufactured' refers to any of the following activities: manufacture, preparation, propagation, compounding, assembly, or processing; and

''(B) the term 'manufacturer' means a person who is engaged in any of the activities listed in clause (A).''.

SA 2559. Mr. ROMNEY (for himself, Ms. COLLINS, and Ms. MCSALLY) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

Strike sections 1 and 2 and insert the following:

SECTION 1. SHORT TITLE.

This Act may be cited as the ''Federal Pandemic Unemployment Compensation Extension Act of 2020''.

SEC. 2. IMPROVEMENTS TO FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION TO BETTER MATCH LOST WAGES.

(a) EXTENSION.—Section 2104(e)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by striking ''July 31, 2020'' and inserting ''December 31, 2020''.

(b) IMPROVEMENTS TO ACCURACY OF PAYMENTS.—

(1) FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

(A) IN GENERAL.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in paragraph (1)(B), by striking ''of $600'' and inserting ''equal to the amount specified in paragraph (3)''; and

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

''(3) AMOUNT OF FEDERAL PANDEMIC UNEMPLOYMENT COMPENSATION.—

''(A) IN GENERAL.—The amount specified in this paragraph is the following amount with respect to an individual:

''(i) For weeks of unemployment beginning after the date on which an agreement is entered into under this section and ending on or before July 31, 2020, $600.

''(ii) For weeks of unemployment beginning after the last week under clause (i) and ending before August 31, 2020, an amount equal to one of the following, as determined by the State for all individuals:

''(I) $500.

''(II) $400

''(iii) For weeks of unemployment beginning after the last week under clause (ii) and ending on or before September 28, 2020, $400.

''(iv) Subject to subparagraph (B), for weeks of unemployment beginning after the last week under clause (iii) and ending before December 31, 2020, an amount (not to exceed $500) equal to one of the following, as determined by the State for all individuals:

''(I) An amount equal to—

''(aa) 80 percent of the individual's average weekly wages; minus

''(bb) the individual's base amount (determined prior to any reductions or offsets).

''(II) If proposed by the State as an alternative to subclause (I) and approved by the Secretary, an amount that results in the sum of the base amount and the amount of Federal Pandemic Unemployment Compensation under this section being on average equal to 80 percent of lost wages.

''(B) WAIVER TO PROVIDE FLAT DOLLAR AMOUNT.—If a State determines that it is unable to calculate amounts under either subclause (I) or (II) of subparagraph (A)(iv), the State may apply to the Secretary for a waiver under which the amount specified under subparagraph (A)(iv) shall be $300 rather than the amount calculated under such subclause (I) or (II).

''(C) BASE AMOUNT.—For purposes of this paragraph, the term 'base amount' means, with respect to an individual, an amount equal to—

''(i) for weeks of unemployment under the pandemic unemployment assistance program under section 2102, the amount determined under subsection (d)(1)(A)(i) or (d)(2) of such section 2102, as applicable; or

''(ii) for all other weeks of unemployment, the amount determined under paragraph (1)(A) of this subsection.

''(D) AVERAGE WEEKLY WAGES.—

''(i) IN GENERAL.—Subject to clause (ii), for purposes of this paragraph, the term 'average weekly wages' means, with respect to an individual, the following:

''(I) If the State computes the individual weekly unemployment compensation benefit amount based on an individual's average weekly wages in a base period, an amount equal to the individual's average weekly wages used in such computation.

''(II) If the State computes the individual weekly unemployment compensation benefit amount based on high quarter wages or a formula using wages across some but not all quarters in a base period, an amount equal to 1/13 of such high quarter wages or average wages of the applicable quarters used in the computation for the individual.

''(III) If the State uses computations other than the computations under subclause (I) or (II) for the individual weekly unemployment compensation benefit amount, or for computations of the weekly benefit amount under the pandemic unemployment assistance program under section 2102, as described in subsection (d)(1)(A)(i) or (d)(2) of such section 2102, for which subclause (I) or (II) do not apply, an amount equal to 1/52 of the sum of all base period wages.

''(ii) SPECIAL RULE.—If more than one of the methods of computation under subclauses (I), (II), and (III) of clause (i) are applicable to a State, then such term shall mean the amount determined under the applicable subclause of clause (i) that results in the highest amount of average weekly wages.''.

(B) TECHNICAL AMENDMENT REGARDING APPLICATION TO SHORT-TIME COMPENSATION PROGRAMS AND AGREEMENTS.—Section 2104(i)(2) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in subparagraph (C), by striking ''and'' at the end;

(ii) in subparagraph (D), by striking the period at the end and inserting ''; and''; and

(iii) by adding at the end the following:

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

(2) CONFORMING AMENDMENTS.—

(A) PANDEMIC UNEMPLOYMENT ASSISTANCE.—Section 2102(d) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by inserting ''with respect to the individual'' after ''section 2104'' in each of paragraphs (1)(A)(ii) and (2).

(B) PANDEMIC EMERGENCY UNEMPLOYMENT COMPENSATION.—Section 2107 of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended—

(i) in subsection (a)(4)(A)(ii), by inserting ''with respect to the individual'' after ''section 2104''; and

(ii) in subsection (b)(2), by inserting ''with respect to the individual'' after ''section 2104''.

(c) CONSISTENT TREATMENT OF EARNINGS AND UNEMPLOYMENT COMPENSATION.—Section 2104(h) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new sentence: ''The preceding sentence shall not apply to any Federal Pandemic Unemployment Compensation paid to an individual with respect to a week of unemployment ending on or after October 5, 2020.''.

(d) REQUIREMENT FOR RETURN TO WORK NOTIFICATION AND REPORTING.—Section 2104(b) of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)) is amended by adding at the end the following new paragraph:

''(3) Beginning 30 days after the date of enactment of this paragraph, any agreement under this section shall require that the State has in place a process to address refusal to return to work or refusal of suitable work that includes the following:

''(A) Providing a plain-language notice to individuals at the time of applying for benefits regarding State law provisions relating to each of the following:

''(i) Return to work requirements.

''(ii) Rights to refuse to return to work or to refuse suitable work.

''(iii) How to contest the denial of a claim that has been denied due to a claim by an employer that the individual refused to return to work or refused suitable work.

''(B) Providing a plain-language notice to employers through any system used by employers or any regular correspondence sent to employers regarding how to notify the State if an individual refuses to return to work.

''(C) Other items determined appropriate by the Secretary of Labor.''.

(e) EFFECTIVE DATE.—The amendments made by this section (other than the amendment made by subsection (d)) shall take effect as if included in the enactment of the Relief for Workers Affected by Coronavirus Act (contained in subtitle A of title II of division A of the CARES Act (Public Law 116–136)).

SEC. 3. EMERGENCY DESIGNATION.

(a) IN GENERAL.—The amounts provided by this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4(g) of the Statutory Pay-As-You-Go Act of 2010 (2 U.S.C. 933(g)).

(b) DESIGNATION IN SENATE.—In the Senate, this Act and the amendments made by this Act are designated as an emergency requirement pursuant to section 4112(a) of H. Con. Res. 71 (115th Congress), the concurrent resolution on the budget for fiscal year 2018.

SA 2560. Mr. COTTON submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end of the amendment, add the following:

SEC. 3. FUNDING LIMITATIONS.

(a) PROHIBITION.—None of the funds appropriated under this Act or under the CARES Act (Public Law 116–136), as amended by this Act, may be provided to an entity that is under the foreign ownership, control, or influence of—

(1) the Government of the People's Republic of China;

(2) the Chinese Communist Party; or

(3) an entity domiciled in the People's Republic of China.

(b) CLAWBACK.—The Secretary of the Treasury, in consultation with the Secretary of State, shall recover all of the amounts appropriated under this Act or under the CARES Act that were provided to entities described in subsection (a).

SA 2561. Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. COVERAGE OF PRESCRIPTION DIGITAL THERAPEUTICS UNDER THE MEDICARE PROGRAM.

(a) COVERAGE AS MEDICAL AND OTHER HEALTH SERVICE.—Section 1861(s)(2) of the Social Security Act (42 U.S.C. 1395x(s)(2)) is amended—

(1) in subparagraph (GG), by striking ''and'' at the end;

(2) in subparagraph (HH), by striking the period at the end and inserting ''; and''; and

(3) by adding at the end the following new subparagraph:

''(II) prescription digital therapeutics as defined in subsection (kkk);''.

(b) PRESCRIPTION DIGITAL THERAPEUTICS DEFINED.—Section 1861 of the Social Security Act (42 U.S.C. 1395x) is amended by adding at the end thereof the following new subsection:

''(kkk) PRESCRIPTION DIGITAL THERAPEUTICS DEFINED.—

''(1) IN GENERAL.—The term 'prescription digital therapeutic' means a product, device, internet application, or other technology that—

''(A) is approved or cleared by the Food and Drug Administration under a relevant authority (within the meaning of paragraph (2));

''(B) has an approved indication for the prevention, management, or treatment of a mental health or substance use disorder, including opioid use disorder;

''(C) uses behavioral treatment or modification to achieve its intended result; and

''(D) can only be dispensed pursuant to a prescription.

''(2) RELEVANT AUTHORITY DEFINED.—For purposes of paragraph (1), the term 'relevant authority' means the following sections of the Federal Food, Drug, and Cosmetic Act:

''(A) Section 510(k) of such Act (21 U.S.C. 360(k)).

''(B) Section 515 of such Act (21 U.S.C. 360e).''.

(c) PAYMENT FOR PRESCRIPTION DIGITAL THERAPEUTICS.—Section 1834 of the Social Security Act (42 U.S.C. 1395m) is amended by adding at the end the following new subsection:

''(x) PAYMENT FOR PRESCRIPTION DIGITAL THERAPEUTICS.—

''(1) SEPARATE PAYMENT.—The Secretary shall make a payment (separate from any payment that may otherwise be made under this title for a related service) in the amount established pursuant to paragraph (3) for a prescription digital therapeutic (as defined in section 1861(kkk)) that is furnished on or after January 1, 2021.

''(2) PAYMENT RECIPIENT.—Payment under this subsection shall be made to any provider of services or supplier enrolled under this title that—

''(A) prescribes a prescription digital therapeutic (as defined in such subsection);

''(B) uses such prescription digital therapeutic as an integral part of a treatment for a related service; and

''(C) agrees to accept, as payment in full, after the application of any deductible or coinsurance that may be applied under this part, the amount established pursuant to paragraph (3).

''(3) ESTABLISHMENT OF PAYMENT AMOUNT.—

''(A) IN GENERAL.—The Secretary shall establish a payment methodology for a prescription digital therapeutic only in accordance with the requirements of this paragraph.

''(B) DEVELOPMENT OF FEE SCHEDULE.—Within 180 days of the approval or clearance described in section 1861(kkk)(1)(A), the Secretary shall develop a proposed fee schedule for each prescription digital therapeutic so approved or cleared. In developing such fee schedule, the Secretary may use the gap filling process described on 84 Federal Register 60729 through 60742 and published on November 8, 2019.

''(C) NOTICE AND COMMENT REQUIRED.—Upon the development of the proposed fee schedule described in subparagraph (B), the Secretary shall publish in the Federal Register such proposed fee schedule. Section 1871 shall apply to any proposed fee scheduled published pursuant to this subparagraph.

''(4) RULE OF CONSTRUCTION.—For purposes of paragraph (1), a service is 'related' to the use of a prescription digital therapeutic if the service—

''(A) is an integral part of the use of the prescription digital therapeutic;

''(B) is necessary to achieve the full intended result of the prescription digital therapeutic; and

''(C) must, pursuant to the approval or clearance described in section 1861(kkk)(1)(A), be adjunctive to the use of the prescription digital therapeutic.''.

(d) RULE OF CONSTRUCTION; EFFECTIVE DATE.—

(1) RULE OF CONSTRUCTION.—No provision of this section, or the enactment of this section, shall be construed to imply that, in the case of an item or service that meets the definition of a prescription digital therapeutic under this section for which coverage or payment under the Medicare program is already available prior to the date of the enactment of this Act may not be covered or reimbursed under such program.

(2) EFFECTIVE DATE.—The amendments made by this section shall apply to a prescription digital therapeutic dispensed after December 31, 2020.

SEC. ___. COVERAGE OF PRESCRIPTION DIGITAL THERAPEUTICS UNDER THE MEDICAID PROGRAM.

Section 1905(a) of the Social Security Act (42 U.S.C. 1396d(a)) is amended—

(1) in paragraph (29), by striking ''; and'' and inserting a semicolon;

(2) by redesignating paragraph (30) as paragraph (31); and

(3) by inserting the following paragraph after paragraph (29):

''(30) prescription digital therapeutics (as defined in section 1861(kkk)); and''.

SA 2562. Mrs. CAPITO submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. ___. ACCESS TO NON-OPIOID TREATMENTS FOR PAIN.

(a) IN GENERAL.—Section 1833(t) of the Social Security Act (42 U.S.C. 1395l(t)) is amended—

(1) in paragraph (2)(E), by inserting ''and separate payments for non-opioid treatments under paragraph (16)(G),'' after ''payments under paragraph (6)''; and

(2) in paragraph (16), by adding at the end the following new subparagraph:

''(G) ACCESS TO NON-OPIOID TREATMENTS FOR PAIN.—

''(i) IN GENERAL.—Notwithstanding any other provision of this subsection, with respect to a covered OPD service (or group of services) furnished on or after January 1, 2020, and before January 1, 2025, the Secretary shall not package, and shall make a separate payment as specified in clause (ii) for, a non-opioid treatment (as defined in clause (iii)) furnished as part of such service (or group of services).

''(ii) AMOUNT OF PAYMENT.—The amount of the payment specified in this clause is, with respect to a non-opioid treatment that is—

''(I) a drug or biological product, the amount of payment for such drug or biological determined under section 1847A; or

''(II) a medical device, the amount of the hospital's charges for the device, adjusted to cost.

''(iii) DEFINITION OF NON-OPIOID TREATMENT.—A 'non-opioid treatment' means—

''(I) a drug or biological product that is indicated to produce analgesia without acting upon the body's opioid receptors; or

''(II) an implantable, reusable, or disposable medical device cleared or approved by the Administrator for Food and Drugs for the intended use of managing or treating pain;

that has demonstrated the ability to replace or reduce opioid consumption in a clinical trial or through clinical data published in a peer-reviewed journal.''.

(b) AMBULATORY SURGICAL CENTER PAYMENT SYSTEM.—Section 1833(i)(2)(D) of the Social Security Act (42 U.S.C. 1395l(i)(2)(D)) is amended—

(1) by aligning the margins of clause (v) with the margins of clause (iv);

(2) by redesignating clause (vi) as clause (vii); and

(3) by inserting after clause (v) the following new clause:

''(vi) In the case of surgical services furnished on or after January 1, 2020, and before January 1, 2025, the payment system described in clause (i) shall provide for a separate payment for a non-opioid treatment (as defined in clause (iii) of subsection (t)(16)(G)) furnished as part of such services in the amount specified in clause (ii) of such subsection.''.

(c) EVALUATION OF THERAPEUTIC SERVICES FOR PAIN MANAGEMENT.—

(1) REPORT TO CONGRESS.—Not later than 1 year after the date of the enactment of this Act, the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary''), acting through the Administrator of the Centers for Medicare & Medicaid Services, shall submit to Congress a report identifying—

(A) limitations, gaps, barriers to access, or deficits in Medicare coverage or reimbursement for restorative therapies, behavioral approaches, and complementary and integrative health services that are identified in the Pain Management Best Practices Inter-Agency Task Force Report and that have demonstrated the ability to replace or reduce opioid consumption; and

(B) recommendations to address the limitations, gaps, barriers to access, or deficits identified under subparagraph (A) to improve Medicare coverage and reimbursement for such therapies, approaches, and services.

(2) PUBLIC CONSULTATION.—In developing the report described in paragraph (1), the Secretary shall consult with relevant stakeholders as determined appropriate by the Secretary.

(3) EXCLUSIVE TREATMENT.—Any drug, biological product, or medical device that is a non-opioid treatment (as defined in section 1833(t)(16)(G)(iii) of the Social Security Act, as added by subsection (a)) shall not be considered a therapeutic service for the purpose of the report described in paragraph (1).

SA 2563. Mr. YOUNG submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. AUTHORITY TO EXTEND MEDICARE TELEHEALTH WAIVERS.

(a) AUTHORITY.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended by adding at the end the following new paragraph:

''(9) AUTHORITY TO EXTEND TELEHEALTH WAIVERS AND POLICIES.—

''(A) AUTHORITY.—Notwithstanding the preceding provisions of this subsection and section 1135, subject to subparagraph (B), if the emergency period under section 1135(g)(1)(B) expires prior to December 31, 2021, the authority provided the Secretary under section 1135(b)(8) to waive or modify requirements with respect to a telehealth service, and modifications of policies with respect to telehealth services made by interim final rule applicable to such period, shall be extended through December 31, 2021.

''(B) NO REQUIREMENT TO EXTEND.— Nothing in subparagraph (A) shall require the Secretary to extend any specific waiver or modification or modifications of policies that the Secretary does not find appropriate for extension.

''(C) IMPLEMENTATION.—Notwithstanding any provision of law, the provisions of this paragraph may be implemented by interim final rule, program instructions or otherwise.''.

(b) MEDPAC EVALUATION AND REPORT.—

(1) STUDY.—

(A) IN GENERAL.—The Medicare Payment Advisory Commission (in this subsection referred to as the ''Commission'') shall conduct an evaluation of—

(i) the expansions of telehealth services under part B of title XVII of the Social Security Act related to the COVID-19 public health emergency described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b–5(g)(1)(B)); and

(ii) the appropriate treatment of such expansions after the expiration of such public health emergency.

(B) ANALYSIS.—The evaluation under subparagraph (A) shall include an analysis of each the following:

(i) Which, if any, of such expansions should be continued after the expiration of the such public health emergency,

(ii) Whether any such continued expansions should be limited to, or differentially applied to, clinicians participating in certain value-based payment models.

(iii) How Medicare should pay for telehealth services after the expiration of such public health emergency, and the implications of payment approaches on aggregate Medicare program spending,

(iv) Medicare program integrity and beneficiary safeguards that may be warranted with the coverage of telehealth services.

(v) The implications of expanded Medicare coverage of telehealth services for beneficiary access to care and the quality of care provided via telehealth.

(vi) Other areas determined appropriate by the Commission.

(2) REPORT.—Not later than June 15, 2021, the Commission shall submit to Congress a report containing the results of the evaluation conducted under paragraph (1), together with recommendations for such legislation and administrative action as the Commission determines appropriate.

(c) HHS PROVISION OF INFORMATION AND STUDY AND REPORT.—

(1) PRE–COVID–19 PUBLIC HEALTH EMERGENCY TELEHEALTH AUTHORITY.—Not later than 3 months after the date of enactment of this Act, the Secretary of Health and Human Services (in this subsection referred to as the ''Secretary'') shall make available on the internet website of the Centers for Medicare & Medicaid Services information describing the requirements applicable to telehealth services and other virtual services under the original Medicare fee-for-service program under parts A and B of title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) and the Medicare Advantage program under part C of such title prior to the waiver or modification of such requirements during the emergency period described in section 1135(g)(1)(B) of the Social Security Act (42 U.S.C. 1320b–5(g)(1)(B)), as established by statute, regulation, and sub-regulatory guidance under such title.

(2) STUDY AND REPORT.—

(A) STUDY.—The Secretary shall conduct a study on the impact of telehealth and other virtual services furnished under the Medicare program under title XVIII of the Social Security Act (42 U.S.C. 1395 et seq.) during the emergency period described in section 1135(g)(1)(B) of such Act (42 U.S.C. 1320b–5(g)(1)(B)). In conducting such study, the Secretary shall—

(i) assess the impact of such services on access to care, health outcomes, and spending by type of physician, practitioner, or other entity, and by patient demographics and other characteristics that include—

(I) age, gender, race, and type of eligibility for the Medicare program;

(II) dual eligibility for both the Medicare program and the Medicaid program under title XIX of such Act (42 U.S.C. 1396 et seq.);

(III) residing in an area of low-population density or a health professional shortage area (as defined in section 332(a)(1)(A) of the Public Health Service Act (42 U.S.C. 254e(a)(1)(A))) ;

(IV) diagnoses, such as a diagnosis of COVID–19, a chronic condition, or a mental health disorder or substance use disorder;

(V) telecommunication modality used, including extent to which the services are furnished using audio-only technology;

(VI) residing in a State other than the State in which the furnishing physician, practitioner, or other entity is located; and

(VII) other characteristics and information determined appropriate by the Secretary; and

(ii) to the extent feasible, assess such impact based on—

(I) the type of technology used to furnish the service;

(II) the extent to which patient privacy is protected;

(III) the extent to which documented or suspected fraud or abuse occurred; and

(IV) patient satisfaction.

(B) USE OF INFORMATION.—The Secretary may use reliable non-governmental sources of information in assessing the impact of characteristics described in subparagraph (A) under the study.

(C) REPORT.—

(i) INTERIM PROVISION OF INFORMATION.—The Secretary shall, as determined appropriate, periodically during such emergency period, post on the internet website of the Centers for Medicare & Medicaid services data on utilization of telehealth and other virtual services under the Medicare program and the impact of characteristics described in subparagraph (A) on such utilization.

(ii) REPORT.—Not later than 15 months after date of enactment of this Act, the Secretary shall submit to Congress a report on the study conducted under subparagraph (A), together with recommendations for such legislation and administrative action as the Secretary determines appropriate.

SA 2564. Mr. MORAN submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the appropriate place, insert the following:

SEC. _____. PAYCHECK PROTECTION PROGRAM.

Section 7(a)(36)(D) of the Small Business Act (15 U.S.C. 636(a)(36)(D)) is amended by striking clause (i) and inserting the following:

''(i) IN GENERAL.—During the covered period, in addition to small business concerns, any business concern, nonprofit organization, veterans organization, or Tribal business concern described in section 31(b)(2)(C) shall be eligible to receive a covered loan if the business concern, nonprofit organization, veterans organization, or Tribal business concern—

''(I) employs not more than the greater of—

''(aa) 500 employees; or

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

''(II) is as described in clauses (i) and (ii) of section 3(a)(5)(B).''.

SA 2565. Mr. CORNYN (for himself and Mr. MCCONNELL) submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

TITLE II—SAFE TO WORK

SEC. 201. SHORT TITLE.

This title may be cited as the ''Safeguarding America's Frontline Employees To Offer Work Opportunities Required to Kickstart the Economy Act'' or the ''SAFE TO WORK Act''.

SEC. 202. FINDINGS AND PURPOSES.

(a) FINDINGS.—Congress finds the following:

(1) The SARS–CoV–2 virus that originated in China and causes the disease COVID–19 has caused untold misery and devastation throughout the world, including in the United States.

(2) For months, frontline health care workers and health care facilities have fought the virus with courage and resolve. They did so at first with very little information about how to treat the virus and developed strategies to save lives of the people of the United States in real time. They risked their personal health and wellbeing to protect and treat their patients.

(3) Businesses in the United States kicked into action to produce and procure personal protective equipment, such as masks, gloves, face shields, and hand sanitizer, and other necessary medical supplies, such as ventilators, at unprecedented rates.

(4) To halt the spread of the disease, State and local governments took drastic measures. They shut down small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies. They ordered people to remain in their homes.

(5) This standstill was needed to slow the spread of the virus. But it devastated the economy of the United States. The sum of hundreds of local-level and State-level decisions to close nearly every space in which people might gather brought interstate commerce nearly to a halt.

(6) This halt led to the loss of millions of jobs. These lost jobs were not a natural consequence of the economic environment, but rather the result of a drastic, though temporary, response to the unprecedented nature of this global pandemic.

(7) Congress passed a series of statutes to address the health care and economic crises—the Coronavirus Preparedness and Response Supplemental Appropriations Act, 2020 (Public Law 116–123; 134 Stat. 146), the Families First Coronavirus Response Act (Public Law 116–127; 134 Stat. 178), the Coronavirus Aid, Relief, and Economic Security Act or the CARES Act (Public Law 116–136), and the Paycheck Protection Program and Health Care Enhancement Act (Public Law 116–139; 134 Stat. 620). In these laws Congress exercised its power under the Commerce and Spending Clauses of the Constitution of the United States to direct trillions of taxpayer dollars toward efforts to aid workers, businesses, State and local governments, health care workers, and patients.

(8) This legislation provided short-term insulation from the worst of the economic storm, but these laws alone cannot protect the United States from further devastation. Only reopening the economy so that workers can get back to work and students can get back to school can accomplish that goal.

(9) The Constitution of the United States specifically enumerates the legislative powers of Congress. One of those powers is the regulation of interstate commerce. The Government is not a substitute for the economy, but it has the authority and the duty to act when interstate commerce is threatened and damaged. As applied to the present crisis, Congress can deploy its power over interstate commerce to promote a prudent reopening of businesses and other organizations that serve as the foundation and backbone of the national economy and of commerce among the States. These include small and large businesses, schools (which are substantial employers in their own right and provide necessary services to enable parents and other caregivers to return to work), colleges and universities (which are substantial employers and supply the interstate market for higher-education services), religious, philanthropic and other nonprofit institutions (which are substantial employers and provide necessary services to their communities), and local government agencies.

(10) Congress must also ensure that the Nation's health care workers and health care facilities are able to act fully to defeat the virus.

(11) Congress must also safeguard its investment of taxpayer dollars under the CARES Act and other coronavirus legislation. Congress must ensure that those funds are used to help businesses and workers survive and recover from the economic crisis, and to help health care workers and health care facilities defeat the virus. CARES Act funds cannot be diverted from these important purposes to line the pockets of the trial bar.

(12) One of the chief impediments to the continued flow of interstate commerce as this public-health crisis has unfolded is the risk of litigation. Small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies confront the risk of a tidal wave of lawsuits accusing them of exposing employees, customers, students, and worshipers to coronavirus. Health care workers face the threat of lawsuits arising from their efforts to fight the virus.

(13) They confront this litigation risk even as they work tirelessly to comply with the coronavirus guidance, rules, and regulations issued by local governments, State governments, and the Federal Government. They confront this risk notwithstanding equipment and staffing shortages. And they confront this risk while also grappling with constantly changing information on how best to protect employees, customers, students, and worshipers from the virus, and how best to treat it.

(14) These lawsuits pose a substantial risk to interstate commerce because they threaten to keep small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies from reopening for fear of expensive litigation that might prove to be meritless. These lawsuits further threaten to undermine the Nation's fight against the virus by exposing our health care workers and health care facilities to liability for difficult medical decisions they have made under trying and uncertain circumstances.

(15) These lawsuits also risk diverting taxpayer money provided under the CARES Act and other coronavirus legislation from its intended purposes to the pockets of opportunistic trial lawyers.

(16) This risk is not purely local. It is necessarily national in scale. A patchwork of local and State rules governing liability in coronavirus-related lawsuits creates tremendous unpredictability for everyone participating in interstate commerce and acts as a significant drag on national recovery. The aggregation of each individual potential liability risk poses a substantial and unprecedented threat to interstate commerce.

(17) The accumulated economic risks for these potential defendants directly and substantially affects interstate commerce. Individuals and entities potentially subject to coronavirus-related liability will structure their decisionmaking to avoid that liability. Small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, and local government agencies may decline to reopen because of the risk of litigation. They may limit their output or engagement with customers and communities to avoid the risk of litigation. These individual economic decisions substantially affect interstate commerce because, as a whole, they will prevent the free and fair exchange of goods and services across State lines. Such economic activity that, individually and in the aggregate, substantially affects interstate commerce is

precisely the sort of conduct that should be subject to congressional regulation.

(18) Lawsuits against health care workers and facilities pose a similarly dangerous risk to interstate commerce. Interstate commerce will not truly rebound from this crisis until the virus is defeated, and that will not happen unless health care workers and facilities are free to combat vigorously the virus and treat patients with coronavirus and those otherwise impacted by the response to coronavirus.

(19) Subjecting health care workers and facilities to onerous litigation even as they have done their level best to combat a virus about which very little was known when it arrived in the United States would divert important health care resources from hospitals and providers to courtrooms.

(20) Such a diversion would substantially affect interstate commerce by degrading the national capacity for combating the virus and saving patients, thereby substantially elongating the period before interstate commerce could fully re-engage.

(21) Congress also has the authority to determine the jurisdiction of the courts of the United States, to set the standards for causes of action they can hear, and to establish the rules by which those causes of action should proceed. Congress therefore must act to set rules governing liability in coronavirus-related lawsuits.

(22) These rules necessarily must be temporary and carefully tailored to the interstate crisis caused by the coronavirus pandemic. They must extend no further than necessary to meet this uniquely national crisis for which a patchwork of State and local tort laws are ill-suited.

(23) Because of the national scope of the economic and health care dangers posed by the risks of coronavirus-related lawsuits, establishing temporary rules governing liability for certain coronavirus-related tort claims is a necessary and proper means of carrying into execution Congress's power to regulate commerce among the several States.

(24) Because Congress must safeguard the investment of taxpayer dollars it made in the CARES Act and other coronavirus legislation, and ensure that they are used for their intended purposes and not diverted for other purposes, establishing temporary rules governing liability for certain coronavirus-related tort claims is a necessary and proper means of carrying into execution Congress's power to provide for the general welfare of the United States.

(b) PURPOSES.—Pursuant to the powers delegated to Congress by article I, section 8, clauses 1, 3, 9, and 18, and article III, section 2, clause 1 of the Constitution of the United States, the purposes of this title are to—

(1) establish necessary and consistent standards for litigating certain claims specific to the unique coronavirus pandemic;

(2) prevent the overburdening of the court systems with undue litigation;

(3) encourage planning, care, and appropriate risk management by small and large businesses, schools, colleges and universities, religious, philanthropic and other nonprofit institutions, local government agencies, and health care providers;

(4) ensure that the Nation's recovery from the coronavirus economic crisis is not burdened or slowed by the substantial risk of litigation;

(5) prevent litigation brought to extract settlements and enrich trial lawyers rather than vindicate meritorious claims;

(6) protect interstate commerce from the burdens of potentially meritless litigation;

(7) ensure the economic recovery proceeds without artificial and unnecessary delay;

(8) protect the interests of the taxpayers by ensuring that emergency taxpayer support continues to aid businesses, workers, and health care providers rather than enrich trial lawyers; and

(9) protect the highest and best ideals of the national economy, so businesses can produce and serve their customers, workers can work, teachers can teach, students can learn, and believers can worship.

SEC. 203. DEFINITIONS.

In this title:

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

(A) any mandatory standards or regulations specifically concerning the prevention or mitigation of the transmission of coronavirus issued by the Federal Government, or a State or local government with jurisdiction over an individual or entity, whether provided by executive, judicial, or legislative order; and

(B) with respect to an individual or entity that, at the time of the actual, alleged, feared, or potential for exposure to coronavirus is not subject to any mandatory standards or regulations described in subparagraph (A), any guidance, standards, or regulations specifically concerning the prevention or mitigation of the transmission of coronavirus issued by the Federal Government, or a State or local government with jurisdiction over the individual or entity.

(2) BUSINESSES, SERVICES, ACTIVITIES, OR ACCOMMODATIONS.—The term ''businesses, services, activities, or accommodations'' means any act by an individual or entity, irrespective of whether the act is carried on for profit, that is interstate or foreign commerce, that involves persons or things in interstate or foreign commerce, that involves the channels or instrumentalities of interstate or foreign commerce, that substantially affects interstate or foreign commerce, or that is otherwise an act subject to regulation by Congress as necessary and proper to carry into execution Congress's powers to regulate interstate or foreign commerce or to spend funds for the general welfare.

(3) CORONAVIRUS.—The term ''coronavirus'' means any disease, health condition, or threat of harm caused by the SARS–CoV–2 virus or a virus mutating therefrom.

(4) CORONAVIRUS EXPOSURE ACTION.—

(A) IN GENERAL.—The term ''coronavirus exposure action'' means a civil action—

(i) brought by a person who suffered personal injury or is at risk of suffering personal injury, or a representative of a person who suffered personal injury or is at risk of suffering personal injury;

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

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

(I) occurred in the course of the businesses, services, activities, or accommodations of the individual or entity; and

(II) occurred—

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

(bb) before the later of—

(AA) October 1, 2024; or

(BB) the date on which there is no declaration by the Secretary of Health and Human Services under section 319F–3(b) of the Public Health Service Act (42 U.S.C. 247d–6d(b)) (relating to medical countermeasures) that is in effect with respect to coronavirus, including the Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID–19 (85 Fed. Reg. 15198) issued by the Secretary of Health and Human Services on March 17, 2020.

(B) EXCLUSIONS.—The term ''coronavirus exposure action'' does not include—

(i) a criminal, civil, or administrative enforcement action brought by the Federal Government or any State, local, or Tribal government; or

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

(5) CORONAVIRUS-RELATED ACTION.—The term ''coronavirus-related action'' means a coronavirus exposure action or a coronavirus-related medical liability action.

(6) CORONAVIRUS-RELATED HEALTH CARE SERVICES.—The term ''coronavirus-related health care services'' means services provided by a health care provider, regardless of the location where the services are provided, that relate to—

(A) the diagnosis, prevention, or treatment of coronavirus;

(B) the assessment or care of an individual with a confirmed or suspected case of coronavirus; or

(C) the care of any individual who is admitted to, presents to, receives services from, or resides at, a health care provider for any purpose during the period of a Federal emergency declaration concerning coronavirus, if such provider's decisions or activities with respect to such individual are impacted as a result of coronavirus.

(7) CORONAVIRUS-RELATED MEDICAL LIABILITY ACTION.—

(A) IN GENERAL.—The term ''coronavirus-related medical liability action'' means a civil action—

(i) brought by a person who suffered personal injury, or a representative of a person who suffered personal injury;

(ii) brought against a health care provider; and

(iii) alleging any harm, damage, breach, or tort resulting in the personal injury alleged to have been caused by, be arising out of, or be related to a health care provider's act or omission in the course of arranging for or providing coronavirus-related health care services that occurred—

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

(II) before the later of—

(aa) October 1, 2024; or

(bb) the date on which there is no declaration by the Secretary of Health and Human Services under section 319F–3(b) of the Public Health Service Act (42 U.S.C. 247d–6d(b)) (relating to covered countermeasures) that is in effect with respect to coronavirus, including the Declaration Under the Public Readiness and Emergency Preparedness Act for Medical Countermeasures Against COVID–19 (85 Fed. Reg. 15198) issued by the Secretary of Health and Human Services on March 17, 2020.

(B) EXCLUSIONS.—The term ''coronavirus-related medical liability action'' does not include—

(i) a criminal, civil, or administrative enforcement action brought by the Federal Government or any State, local, or Tribal government; or

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

(8) EMPLOYER.—The term ''employer''—

(A) means any person serving as an employer or acting directly in the interest of an employer in relation to an employee;

(B) includes a public agency; and

(C) does not include any labor organization (other than when acting as an employer) or any person acting in the capacity of officer or agent of such labor organization.

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

(10) GROSS NEGLIGENCE.—The term ''gross negligence'' means a conscious, voluntary act or omission in reckless disregard of—

(A) a legal duty;

(B) the consequences to another party; and

(C) applicable government standards and guidance.

(11) HARM.—The term ''harm'' includes—

(A) physical and nonphysical contact that results in personal injury to an individual; and

(B) economic and noneconomic losses.

(12) HEALTH CARE PROVIDER.—

(A) IN GENERAL.—The term ''health care provider'' means any person, including an agent, volunteer (subject to subparagraph (C)), contractor, employee, or other entity, who is—

(i) required by Federal or State law to be licensed, registered, or certified to provide health care and is so licensed, registered, or certified (or is exempt from any such requirement);

(ii) otherwise authorized by Federal or State law to provide care (including services and supports furnished in a home or community-based residential setting under the State Medicaid program or a waiver of that program); or

(iii) considered under applicable Federal or State law to be a health care provider, health care professional, health care institution, or health care facility.

(B) INCLUSION OF ADMINISTRATORS, SUPERVISORS, ETC.—The term ''health care provider'' includes a health care facility administrator, executive, supervisor, board member or trustee, or another individual responsible for directing, supervising, or monitoring the provision of coronavirus-related health care services in a comparable role.

(C) INCLUSION OF VOLUNTEERS.—The term ''health care provider'' includes volunteers that meet the following criteria:

(i) The volunteer is a health care professional providing coronavirus-related health care services.

(ii) The act or omission by the volunteer occurs—

(I) in the course of providing health care services;

(II) in the health care professional's capacity as a volunteer;

(III) in the course of providing health care services that—

(aa) are within the scope of the license, registration, or certification of the volunteer, as defined by the State of licensure, registration, or certification; and

(bb) do not exceed the scope of license, registration, or certification of a substantially similar health professional in the State in which such act or omission occurs; and

(IV) in a good-faith belief that the individual being treated is in need of health care services.

(13) INDIVIDUAL OR ENTITY.—The term ''individual or entity'' means—

(A) any natural person, corporation, company, trade, business, firm, partnership, joint stock company, educational institution, labor organization, or similar organization or group of organizations;

(B) any nonprofit organization, foundation, society, or association organized for religious, charitable, educational, or other purposes; or

(C) any State, Tribal, or local government.

(14) LOCAL GOVERNMENT.—The term ''local government'' means any unit of government within a State, including a—

(A) county;

(B) borough;

(C) municipality;

(D) city;

(E) town;

(F) township;

(G) parish;

(H) local public authority, including any public housing agency under the United States Housing Act of 1937 (42 U.S.C. 1437 et seq.);

(I) special district;

(J) school district;

(K) intrastate district;

(L) council of governments, whether or not incorporated as a nonprofit corporation under State law; and

(M) agency or instrumentality of—

(i) multiple units of local government (including units of local government located in different States); or

(ii) an intra-State unit of local government.

(15) MANDATORY.—The term ''mandatory'', with respect to standards or regulations, means the standards or regulations are themselves enforceable by the issuing government through criminal, civil, or administrative action.

(16) PERSONAL INJURY.—The term ''personal injury''—

(A) means actual or potential physical injury to an individual or death caused by a physical injury; and

(B) includes mental suffering, emotional distress, or similar injuries suffered by an individual in connection with a physical injury.

(17) STATE.—The term ''State''—

(A) means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, the Northern Mariana Islands, the United States Virgin Islands, Guam, American Samoa, and any other territory or possession of the United States, and any political subdivision or instrumentality thereof; and

(B) includes any agency or instrumentality of 2 or more of the entities described in subparagraph (A).

(18) TRIBAL GOVERNMENT.—

(A) IN GENERAL.—The term ''Tribal government'' means the recognized governing body of any Indian tribe included on the list published by the Secretary of the Interior pursuant to section 104(a) of the Federally Recognized Indian Tribe List Act of 1994 (25 U.S.C. 5131(a)).

(B) INCLUSION.—The term ''Tribal government'' includes any subdivision (regardless of the laws and regulations of the jurisdiction in which the subdivision is organized or incorporated) of a governing body described in subparagraph (A) that—

(i) is wholly owned by that governing body; and

(ii) has been delegated the right to exercise 1 or more substantial governmental functions of the governing body.

(19) WILLFUL MISCONDUCT.—The term ''willful misconduct'' means an act or omission that is taken—

(A) intentionally to achieve a wrongful purpose;

(B) knowingly without legal or factual justification; and

(C) in disregard of a known or obvious risk that is so great as to make it highly probable that the harm will outweigh the benefit.

Subtitle A—Liability Relief

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

SEC. 211. APPLICATION OF PART.

(a) CAUSE OF ACTION; TRIBAL SOVEREIGN IMMUNITY.—

(1) CAUSE OF ACTION.—

(A) IN GENERAL.—This part creates an exclusive cause of action for coronavirus exposure actions.

(B) LIABILITY.—A plaintiff may prevail in a coronavirus exposure action only in accordance with the requirements of this subtitle.

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

(i) any cause of action that is a coronavirus exposure action that was filed before the date of enactment of this Act and that is pending on such date of enactment; and

(ii) any coronavirus exposure action filed on or after such date of enactment.

(2) PRESERVATION OF LIABILITY LIMITS AND DEFENSES.—Except as otherwise explicitly provided in this part, nothing in this part expands any liability otherwise imposed or limits any defense otherwise available under Federal, State, or Tribal law.

(3) IMMUNITY.—Nothing in this part abrogates the immunity of any State, or waives the immunity of any Tribal government. The limitations on liability provided under this part shall control in any action properly filed against a State or Tribal government pursuant to a duly executed waiver by the State or Tribe of sovereign immunity and stating claims within the scope of this part.

(b) PREEMPTION AND SUPERSEDURE.—

(1) IN GENERAL.—Except as described in paragraphs (2) through (6), this part preempts and supersedes any Federal, State, or Tribal law, including statutes, regulations, rules, or standards that are enacted, promulgated, or established under common law, related to recovery for personal injuries caused by actual, alleged, feared, or potential for exposure to coronavirus.

(2) STRICTER LAWS NOT PREEMPTED OR SUPERSEDED.—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that imposes stricter limits on damages or liabilities for personal injury caused by, arising out of, or related to an actual, alleged, feared, or potential for exposure to coronavirus, or otherwise affords greater protection to defendants in any coronavirus exposure action, than are provided in this part. Any such provision of Federal, State, or Tribal law shall be applied in addition to the requirements of this part and not in lieu thereof.

(3) WORKERS' COMPENSATION LAWS NOT PREEMPTED OR SUPERSEDED.—Nothing in this part shall be construed to affect the applicability of any State or Tribal law providing for a workers' compensation scheme or program, or to preempt or supersede an exclusive remedy under such scheme or program.

(4) ENFORCEMENT ACTIONS.—Nothing in this part shall be construed to impair, limit, or affect the authority of the Federal Government, or of any State, local, or Tribal government, to bring any criminal, civil, or administrative enforcement action against any individual or entity.

(5) DISCRIMINATION CLAIMS.—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that creates a cause of action for intentional discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(6) MAINTENANCE AND CURE.—Nothing in this part shall be construed to affect a seaman's right to claim maintenance and cure benefits.

(c) STATUTE OF LIMITATIONS.—A coronavirus exposure action may not be commenced in any Federal, State, or Tribal government court later than 1 year after the date of the actual, alleged, feared, or potential for exposure to coronavirus.

SEC. 212. LIABILITY; SAFE HARBOR.

(a) REQUIREMENTS FOR LIABILITY FOR EXPOSURE TO CORONAVIRUS.—Notwithstanding any other provision of law, and except as otherwise provided in this section, no individual or entity engaged in businesses, services, activities, or accommodations shall be liable in any coronavirus exposure action unless the plaintiff can prove by clear and convincing evidence that—

(1) in engaging in the businesses, services, activities, or accommodations, the individual or entity was not making reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance in effect at the time of the actual, alleged, feared, or potential for exposure to coronavirus;

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

(3) the actual exposure to coronavirus caused the personal injury of the plaintiff.

(b) REASONABLE EFFORTS TO COMPLY.—

(1) CONFLICTING APPLICABLE GOVERNMENT STANDARDS AND GUIDANCE.—

(A) IN GENERAL.—If more than 1 government to whose jurisdiction an individual or entity is subject issues applicable government standards and guidance, and the applicable government standards and guidance issued by 1 or more of the governments conflicts with the applicable government standards and guidance issued by 1 or more of the other governments, the individual or entity shall be considered to have made reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1) unless the plaintiff establishes by clear and convincing evidence that the individual or entity was not making reasonable efforts in light of all the circumstances to comply with any of the conflicting applicable government standards and guidance issued by any government to whose jurisdiction the individual or entity is subject.

(B) EXCEPTION.—If mandatory standards and regulations constituting applicable government standards and guidance issued by any government with jurisdiction over the individual or entity conflict with applicable government standards and guidance that are not mandatory and are issued by any other government with jurisdiction over the individual or entity or by the same government that issued the mandatory standards and regulations, the plaintiff may establish that the individual or entity did not make reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1) by establishing by clear and convincing evidence that the individual or entity was not making reasonable efforts in light of all the circumstances to comply with the mandatory standards and regulations to which the individual or entity was subject.

(2) WRITTEN OR PUBLISHED POLICY.—

(A) IN GENERAL.—If an individual or entity engaged in businesses, services, activities, or accommodations maintained a written or published policy on the mitigation of transmission of coronavirus at the time of the actual, alleged, feared, or potential for exposure to coronavirus that complied with, or was more protective than, the applicable government standards and guidance to which the individual or entity was subject, the individual or entity shall be presumed to have made reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1).

(B) REBUTTAL.—The plaintiff may rebut the presumption under subparagraph (A) by establishing that the individual or entity was not complying with the written or published policy at the time of the actual, alleged, feared, or potential for exposure to coronavirus.

(C) ABSENCE OF A WRITTEN OR PUBLISHED POLICY.—The absence of a written or published policy shall not give rise to a presumption that the individual or entity did not make reasonable efforts in light of all the circumstances to comply with the applicable government standards and guidance for purposes of subsection (a)(1).

(3) TIMING.—For purposes of subsection (a)(1), a change to a policy or practice by an individual or entity before or after the actual, alleged, feared, or potential for exposure to coronavirus, shall not be evidence of liability for the actual, alleged, feared, or potential for exposure to coronavirus.

(c) THIRD PARTIES.—No individual or entity shall be held liable in a coronavirus exposure action for the acts or omissions of a third party, unless—

(1) the individual or entity had an obligation under general common law principles to control the acts or omissions of the third party; or

(2) the third party was an agent of the individual or entity.

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

PART II—LIABILITY LIMITATIONS FOR HEALTH CARE PROVIDERS

SEC. 221. APPLICATION OF PART.

(a) IN GENERAL.—

(1) CAUSE OF ACTION.—

(A) IN GENERAL.—This part creates an exclusive cause of action for coronavirus-related medical liability actions.

(B) LIABILITY.—A plaintiff may prevail in a coronavirus-related medical liability action only in accordance with the requirements of this subtitle.

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

(i) any cause of action that is a coronavirus-related medical liability action that was filed before the date of enactment of this Act and that is pending on such date of enactment; and

(ii) any coronavirus-related medical liability action filed on or after such date of enactment.

(2) PRESERVATION OF LIABILITY LIMITS AND DEFENSES.—Except as otherwise explicitly provided in this part, nothing in this part expands any liability otherwise imposed or limits any defense otherwise available under Federal, State, or Tribal law.

(3) IMMUNITY.—Nothing in this part abrogates the immunity of any State, or waives the immunity of any Tribal government. The limitations on liability provided under this part shall control in any action properly filed against a State or Tribal government pursuant to a duly executed waiver by the State or Tribe of sovereign immunity and stating claims within the scope of this part.

(b) PREEMPTION AND SUPERSEDURE.—

(1) IN GENERAL.—Except as described in paragraphs (2) through (6), this part preempts and supersedes any Federal, State, or Tribal law, including statutes, regulations, rules, or standards that are enacted, promulgated, or established under common law, related to recovery for personal injuries caused by, arising out of, or related to an act or omission by a health care provider in the course of arranging for or providing coronavirus-related health care services.

(2) STRICTER LAWS NOT PREEMPTED OR SUPERSEDED.—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that imposes stricter limits on damages or liabilities for personal injury caused by, arising out of, or related to an act or omission by a health care provider in the course of arranging for or providing coronavirus-related health care services, or otherwise affords greater protection to defendants in any coronavirus-related medical liability action than are provided in this part. Any such provision of Federal, State, or Tribal law shall be applied in addition to the requirements of this part and not in lieu thereof.

(3) ENFORCEMENT ACTIONS.—Nothing in this part shall be construed to impair, limit, or affect the authority of the Federal Government, or of any State, local, or Tribal government to bring any criminal, civil, or administrative enforcement action against any health care provider.

(4) DISCRIMINATION CLAIMS.—Nothing in this part shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that creates a cause of action for intentional discrimination on the basis of race, color, national origin, religion, sex (including pregnancy), disability, genetic information, or age.

(5) PUBLIC READINESS AND EMERGENCY PREPAREDNESS.—Nothing in this part shall be construed to affect the applicability of section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d) to any act or omission involving a covered countermeasure, as defined in subsection (i) of such section in arranging for or providing coronavirus-related health care services. Nothing in this part shall be construed to affect the applicability of section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e).

(6) VACCINE INJURY.—To the extent that title XXI of the Public Health Service Act (42 U.S.C. 300aa–1 et seq.) establishes a Federal rule applicable to a civil action brought for a vaccine-related injury or death, this part does not affect the application of that rule to such an action.

(c) STATUTE OF LIMITATIONS.—A coronavirus-related medical liability action may not be commenced in any Federal, State, or Tribal government court later than 1 year after the date of the alleged harm, damage, breach, or tort, unless tolled for—

(1) proof of fraud;

(2) intentional concealment; or

(3) the presence of a foreign body, which has no therapeutic or diagnostic purpose or effect, in the person of the injured person.

SEC. 222. LIABILITY FOR HEALTH CARE PROFESSIONALS AND HEALTH CARE FACILITIES DURING CORONAVIRUS PUBLIC HEALTH EMERGENCY.

(a) REQUIREMENTS FOR LIABILITY FOR CORONAVIRUS-RELATED HEALTH CARE SERVICES.—Notwithstanding any other provision of law, and except as provided in subsection (b), no health care provider shall be liable in a coronavirus-related medical liability action unless the plaintiff can prove by clear and convincing evidence—

(1) gross negligence or willful misconduct by the health care provider; and

(2) that the alleged harm, damage, breach, or tort resulting in the personal injury was directly caused by the alleged gross negligence or willful misconduct.

(b) EXCEPTIONS.—For purposes of this section, acts, omissions, or decisions resulting from a resource or staffing shortage shall not be considered willful misconduct or gross negligence.

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

SEC. 231. JURISDICTION.

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

(b) REMOVAL.—

(1) IN GENERAL.—A coronavirus-related action of which the district courts of the United States have original jurisdiction under subsection (a) that is brought in a State or Tribal government court may be removed to a district court of the United States in accordance with section 1446 of title 28, United States Code, except that—

(A) notwithstanding subsection (b)(2)(A) of such section, such action may be removed by any defendant without the consent of all defendants; and

(B) notwithstanding subsection (b)(1) of such section, for any cause of action that is a coronavirus-related action that was filed in a State court before the date of enactment of this Act and that is pending in such court on such date of enactment, and of which the district courts of the United States have original jurisdiction under subsection (a), any defendant may file a notice of removal of a civil action or proceeding within 30 days of the date of enactment of this Act.

(2) PROCEDURE AFTER REMOVAL.—Section 1447 of title 28, United States Code, shall apply to any removal of a case under paragraph (1), except that, notwithstanding subsection (d) of such section, a court of appeals of the United States shall accept an appeal from an order of a district court granting or denying a motion to remand the case to the State or Tribal government court from which it was removed if application is made to the court of appeals of the United States not later than 10 days after the entry of the order.

SEC. 232. LIMITATIONS ON SUITS.

(a) JOINT AND SEVERAL LIABILITY LIMITATIONS.—

(1) IN GENERAL.—An individual or entity against whom a final judgment is entered in any coronavirus-related action shall be liable solely for the portion of the judgment that corresponds to the relative and proportionate responsibility of that individual or entity. In determining the percentage of responsibility of any defendant, the trier of fact shall determine that percentage as a percentage of the total fault of all individuals or entities, including the plaintiff, who caused or contributed to the total loss incurred by the plaintiff.

(2) PROPORTIONATE LIABILITY.—

(A) DETERMINATION OF RESPONSIBILITY.—In any coronavirus-related action, the court shall instruct the jury to answer special interrogatories, or, if there is no jury, the court shall make findings with respect to each defendant, including defendants who have entered into settlements with the plaintiff or plaintiffs, concerning the percentage of responsibility, if any, of each defendant, measured as a percentage of the total fault of all individuals or entities who caused or contributed to the loss incurred by the plaintiff.

(B) FACTORS FOR CONSIDERATION.—In determining the percentage of responsibility under this subsection, the trier of fact shall consider—

(i) the nature of the conduct of each individual or entity found to have caused or contributed to the loss incurred by the plaintiff; and

(ii) the nature and extent of the causal relationship between the conduct of each such individual or entity and the damages incurred by the plaintiff.

(3) JOINT LIABILITY FOR SPECIFIC INTENT OR FRAUD.—Notwithstanding paragraph (1), in any coronavirus-related action the liability of a defendant is joint and several if the trier of fact specifically determines that the defendant—

(A) acted with specific intent to injure the plaintiff; or

(B) knowingly committed fraud.

(4) RIGHT TO CONTRIBUTION NOT AFFECTED.—Nothing in this subsection affects the right, under any other law, of a defendant to contribution with respect to another defendant determined under paragraph (3) to have acted with specific intent to injure the plaintiff or to have knowingly committed fraud.

(b) LIMITATIONS ON DAMAGES.—In any coronavirus-related action—

(1) the award of compensatory damages shall be limited to economic losses incurred as the result of the personal injury, harm, damage, breach, or tort, except that the court may award damages for noneconomic losses if the trier of fact determines that the personal injury, harm, damage, breach, or tort was caused by the willful misconduct of the individual or entity;

(2) punitive damages—

(A) may be awarded only if the trier of fact determines that the personal injury to the plaintiff was caused by the willful misconduct of the individual or entity; and

(B) may not exceed the amount of compensatory damages awarded; and

(3) the amount of monetary damages awarded to a plaintiff shall be reduced by the amount of compensation received by the plaintiff from another source in connection with the personal injury, harm, damage, breach, or tort, such as insurance or reimbursement by a government.

(c) PREEMPTION AND SUPERSEDURE.—

(1) IN GENERAL.—Except as described in paragraphs (2) and (3), this section preempts and supersedes any Federal, State, or Tribal law, including statutes, regulations, rules, or standards that are enacted, promulgated, or established under common law, related to joint and several liability, proportionate or contributory liability, contribution, or the award of damages for any coronavirus-related action.

(2) STRICTER LAWS NOT PREEMPTED OR SUPERSEDED.—Nothing in this section shall be construed to affect the applicability of any provision of any Federal, State, or Tribal law that—

(A) limits the liability of a defendant in a coronavirus-related action to a lesser degree of liability than the degree of liability determined under this section;

(B) otherwise affords a greater degree of protection from joint or several liability than is afforded by this section; or

(C) limits the damages that can be recovered from a defendant in a coronavirus-related action to a lesser amount of damages than the amount determined under this section.

(3) PUBLIC READINESS AND EMERGENCY PREPAREDNESS.—Nothing in this part shall be construed to affect the applicability of section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d) to any act or omission involving a covered countermeasure, as defined in subsection (i) of such section in arranging for or providing coronavirus-related health care services. Nothing in this part shall be construed to affect the applicability of section 319F–4 of the Public Health Service Act (42 U.S.C. 247d–6e).

SEC. 233. PROCEDURES FOR SUIT IN DISTRICT COURTS OF THE UNITED STATES.

(a) PLEADING WITH PARTICULARITY.—In any coronavirus-related action filed in or removed to a district court of the United States—

(1) the complaint shall plead with particularity—

(A) each element of the plaintiff's claim; and

(B) with respect to a coronavirus exposure action, all places and persons visited by the person on whose behalf the complaint was filed and all persons who visited the residence of the person on whose behalf the complaint was filed during the 14-day-period before the onset of the first symptoms allegedly caused by coronavirus, including—

(i) each individual or entity against which a complaint is filed, along with the factual basis for the belief that such individual or entity was a cause of the personal injury alleged; and

(ii) every other person or place visited by the person on whose behalf the complaint was filed and every other person who visited the residence of the person on whose behalf the complaint was filed during such period, along with the factual basis for the belief that these persons and places were not the cause of the personal injury alleged; and

(2) the complaint shall plead with particularity each alleged act or omission constituting gross negligence or willful misconduct that resulted in personal injury, harm, damage, breach, or tort.

(b) SEPARATE STATEMENTS CONCERNING THE NATURE AND AMOUNT OF DAMAGES AND REQUIRED STATE OF MIND.—

(1) NATURE AND AMOUNT OF DAMAGES.—In any coronavirus-related action filed in or removed to a district court of the United States in which monetary damages are requested, there shall be filed with the complaint a statement of specific information as to the nature and amount of each element of damages and the factual basis for the damages calculation.

(2) REQUIRED STATE OF MIND.—In any coronavirus-related action filed in or removed to a district court of the United States in which a claim is asserted on which the plaintiff may prevail only on proof that the defendant acted with a particular state of mind, there shall be filed with the complaint, with respect to each element of that claim, a statement of the facts giving rise to a strong inference that the defendant acted with the required state of mind.

(c) VERIFICATION AND MEDICAL RECORDS.—

(1) VERIFICATION REQUIREMENT.—

(A) IN GENERAL.—The complaint in a coronavirus-related action filed in or removed to a district court of the United States shall include a verification, made by affidavit of the plaintiff under oath, stating that the pleading is true to the knowledge of the deponent, except as to matters specifically identified as being alleged on information and belief, and that as to those matters the plaintiff believes it to be true.

(B) IDENTIFICATION OF MATTERS ALLEGED UPON INFORMATION AND BELIEF.—Any matter that is not specifically identified as being alleged upon the information and belief of the plaintiff, shall be regarded for all purposes, including a criminal prosecution, as having been made upon the knowledge of the plaintiff.

(2) MATERIALS REQUIRED.—In any coronavirus-related action filed in or removed to a district court of the United States, the plaintiff shall file with the complaint—

(A) an affidavit by a physician or other qualified medical expert who did not treat the person on whose behalf the complaint was filed that explains the basis for such physician's or other qualified medical expert's belief that such person suffered the personal injury, harm, damage, breach, or tort alleged in the complaint; and

(B) certified medical records documenting the alleged personal injury, harm, damage, breach, or tort.

(d) APPLICATION WITH FEDERAL RULES OF CIVIL PROCEDURE.—This section applies exclusively to any coronavirus-related action filed in or removed to a district court of the United States and, except to the extent that this section requires additional information to be contained in or attached to pleadings, nothing in this section is intended to amend or otherwise supersede applicable rules of Federal civil procedure.

(e) CIVIL DISCOVERY FOR ACTIONS IN DISTRICT COURTS OF THE UNITED STATES.—

(1) TIMING.—Notwithstanding any other provision of law, in any coronavirus-related action filed in or removed to a district court of the United States, no discovery shall be allowed before—

(A) the time has expired for the defendant to answer or file a motion to dismiss; and

(B) if a motion to dismiss is filed, the court has ruled on the motion.

(2) STANDARD.—Notwithstanding any other provision of law, the court in any coronavirus-related action that is filed in or removed to a district court of the United States—

(A) shall permit discovery only with respect to matters directly related to material issues contested in the coronavirus-related action; and

(B) may compel a response to a discovery request (including a request for admission, an interrogatory, a request for production of documents, or any other form of discovery request) under rule 37 of the Federal Rules of Civil Procedure, only if the court finds that—

(i) the requesting party needs the information sought to prove or defend as to a material issue contested in such action; and

(ii) the likely benefits of a response to such request equal or exceed the burden or cost for the responding party of providing such response.

(f) INTERLOCUTORY APPEAL AND STAY OF DISCOVERY.—The courts of appeals of the United States shall have jurisdiction of an appeal from a motion to dismiss that is denied in any coronavirus-related action in a district court of the United States. The district court shall stay all discovery in such a coronavirus-related action until the court of appeals has disposed of the appeal.

(g) CLASS ACTIONS AND MULTIDISTRICT LITIGATION PROCEEDINGS.—

(1) CLASS ACTIONS.—In any coronavirus-related action that is filed in or removed to a district court of the United States and is maintained as a class action or multidistrict litigation—

(A) an individual or entity shall only be a member of the class if the individual or entity affirmatively elects to be a member; and

(B) the court, in addition to any other notice required by applicable Federal or State law, shall direct notice of the action to each member of the class, which shall include—

(i) a concise and clear description of the nature of the action;

(ii) the jurisdiction where the case is pending; and

(iii) the fee arrangements with class counsel, including—

(I) the hourly fee being charged; or

(II) if it is a contingency fee, the percentage of the final award which will be paid, including an estimate of the total amount that would be paid if the requested damages were to be granted; and

(III) if the cost of the litigation is being financed, a description of the financing arrangement.

(2) MULTIDISTRICT LITIGATIONS.—

(A) TRIAL PROHIBITION.—In any coordinated or consolidated pretrial proceedings conducted pursuant to section 1407(b) of title 28, United States Code, the judge or judges to whom coronavirus-related actions are assigned by the Judicial Panel on Multidistrict Litigation may not conduct a trial in a coronavirus-related action transferred to or directly filed in the proceedings unless all parties to that coronavirus-related action consent.

(B) REVIEW OF ORDERS.—The court of appeals of the United States having jurisdiction over the transferee district court shall permit an appeal to be taken from any order issued in the conduct of coordinated or consolidated pretrial proceedings conducted pursuant to section 1407(b) of title 28, United States Code, if the order is applicable to 1 or more coronavirus-related actions and an immediate appeal from the order may materially advance the ultimate termination of 1 or more coronavirus-related actions in the proceedings.

SEC. 234. DEMAND LETTERS; CAUSE OF ACTION.

(a) CAUSE OF ACTION.—If any person transmits or causes another to transmit in any form and by any means a demand for remuneration in exchange for settling, releasing, waiving, or otherwise not pursuing a claim that is, or could be, brought as part of a coronavirus-related action, the party receiving such a demand shall have a cause of action for the recovery of damages occasioned by such demand and for declaratory judgment in accordance with chapter 151 of title 28, United States Code, if the claim for which the letter was transmitted was meritless.

(b) DAMAGES.—Damages available under subsection (a) shall include—

(1) compensatory damages including costs incurred in responding to the demand; and

(2) punitive damages, if the court determines that the defendant had knowledge or was reckless with regard to the fact that the claim was meritless.

(c) ATTORNEY'S FEES AND COSTS.—In an action commenced under subsection (a), if the plaintiff is a prevailing party, the court shall, in addition to any judgment awarded to a plaintiff, allow a reasonable attorney's fee to be paid by the defendant, and costs of the action.

(d) JURISDICTION.—The district courts of the United States shall have concurrent original jurisdiction of all claims arising under subsection (a).

(e) ENFORCEMENT BY THE ATTORNEY GENERAL.—

(1) IN GENERAL.—Whenever the Attorney General has reasonable cause to believe that any person or group of persons is engaged in a pattern or practice of transmitting demands for remuneration in exchange for settling, releasing, waiving, or otherwise not pursuing a claim that is, or could be, brought as part of a coronavirus-related action and that is meritless, the Attorney General may commence a civil action in any appropriate district court of the United States.

(2) RELIEF.—In a civil action under paragraph (1), the court may, to vindicate the public interest, assess a civil penalty against the respondent in an amount not exceeding $50,000 per transmitted demand for remuneration in exchange for settling, releasing, waiving or otherwise not pursuing a claim that is meritless.

(3) DISTRIBUTION OF CIVIL PENALTIES.—If the Attorney General obtains civil penalties in accordance with paragraph (2), the Attorney General shall distribute the proceeds equitably among those persons aggrieved by the respondent's pattern or practice of transmitting demands for remuneration in exchange for settling, releasing, waiving or otherwise not pursuing a claim that is meritless.

PART IV—RELATION TO LABOR AND EMPLOYMENT LAWS

SEC. 241. LIMITATION ON VIOLATIONS UNDER SPECIFIC LAWS.

(a) IN GENERAL.—

(1) DEFINITION.—In this subsection, the term ''covered Federal employment law'' means any of the following:

(A) The Occupational Safety and Health Act of 1970 (29 U.S.C. 651 et seq.) (including any standard included in a State plan approved under section 18 of such Act (29 U.S.C. 667)).

(B) The Fair Labor Standards Act of 1938 (29 U.S.C. 201 et seq.).

(C) The Age Discrimination in Employment Act of 1967 (29 U.S.C. 621 et seq.).

(D) The Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101 et seq.).

(E) Title VII of the Civil Rights Act of 1964 (42 U.S.C. 2000e et seq.).

(F) Title II of the Genetic Information Nondiscrimination Act of 2008 (42 U.S.C. 2000ff et seq.).

(G) Title I of the Americans with Disabilities Act of 1990 (42 U.S.C. 12111 et seq.).

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

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

(B) knew of the obligation under the relevant provision; and

(C) attempted to satisfy any such obligation by—

(i) exploring options to comply with such obligations and with the applicable government standards and guidance (such as through the use of virtual training or remote communication strategies);

(ii) implementing interim alternative protections or procedures; or

(iii) following guidance issued by the relevant agency with jurisdiction with respect to any exemptions from such obligation.

(b) PUBLIC ACCOMMODATION LAWS.—

(1) DEFINITIONS.—In this subsection—

(A) the term ''auxiliary aids and services'' has the meaning given the term in section 4 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12103);

(B) the term ''covered public accommodation law'' means—

(i) title III of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181 et seq.); or

(ii) title II of the Civil Rights Act of 1964 (42 U.S.C. 2000a et seq.);

(C) the term ''place of public accommodation'' means—

(i) a place of public accommodation, as defined in section 201 of the Civil Rights Act of 1964 (42 U.S.C. 2000a); or

(ii) a public accommodation, as defined in section 301 of the Americans with Disabilities Act of 1990 (42 U.S.C. 12181); and

(D) the term ''public health emergency period'' means a period designated a public health emergency period by a Federal, State, or local government authority.

(2) ACTIONS AND MEASURES DURING A PUBLIC HEALTH EMERGENCY.—

(A) IN GENERAL.—Notwithstanding any other provision of law or regulation, during any public health emergency period, no person who owns, leases (or leases to), or operates a place of public accommodation shall be liable under, or found in violation of, any

covered public accommodation law for any action or measure taken regarding coronavirus and that place of public accommodation, if such person—

(i) has determined that the significant risk of substantial harm to public health or the health of employees cannot be reduced or eliminated by reasonably modifying policies, practices, or procedures, or the provision of an auxiliary aid or service; or

(ii) has offered such a reasonable modification or auxiliary aid or service but such offer has been rejected by the individual protected by the covered law.

(B) REQUIRED WAIVER PROHIBITED.—For purposes of this subsection, no person who owns, leases (or leases to), or operates a place of public accommodation shall be required to waive any measure, requirement, or recommendation that has been adopted in accordance with a requirement or recommendation issued by the Federal Government or any State or local government with regard to coronavirus, in order to offer such a reasonable modification or auxiliary aids and services.

SEC. 242. LIABILITY FOR CONDUCTING TESTING AT WORKPLACE.

Notwithstanding any other provision of Federal, State, or local law, an employer, or other person who hires or contracts with other individuals to provide services, conducting testing for coronavirus at the workplace shall not be liable for any action or personal injury directly resulting from such testing, except for those personal injuries caused by the gross negligence or intentional misconduct of the employer or other person.

SEC. 243. JOINT EMPLOYMENT AND INDEPENDENT CONTRACTING.

Notwithstanding any other provision of Federal or State law, including any covered Federal employment law (as defined in section 241(a)), the Labor Management Relations Act, 1947 (29 U.S.C. 141 et seq.), the Employment Retirement Income Security Act of 1974 (29 U.S.C. 1001 et seq.), and the Family and Medical Leave Act of 1993 (29 U.S.C. 2601 et seq.), it shall not constitute evidence of a joint employment relationship or employment relationship for any employer to provide or require, for an employee of another employer or for an independent contractor, any of the following:

(1) Coronavirus-related policies, procedures, or training.

(2) Personal protective equipment or training for the use of such equipment.

(3) Cleaning or disinfecting services or the means for such cleaning or disinfecting.

(4) Workplace testing for coronavirus.

(5) Temporary assistance due to coronavirus, including financial assistance or other health and safety benefits.

SEC. 244. EXCLUSION OF CERTAIN NOTIFICATION REQUIREMENTS AS A RESULT OF THE COVID–19 PUBLIC HEALTH EMERGENCY.

(a) DEFINITIONS.—Section 2(a) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(a)) is amended—

(1) in paragraph (2), by adding before the semicolon at the end the following: ''and the shutdown, if occurring during the covered period, is not a result of the COVID–19 national emergency'';

(2) in paragraph (3)—

(A) in subparagraph (A), by striking ''and'' at the end;

(B) in subparagraph (B), by adding ''and'' at the end; and

(C) by adding at the end the following:

''(C) if occurring during the covered period, is not a result of the COVID–19 national emergency;'';

(3) in paragraph (7), by striking ''and'';

(4) in paragraph (8), by striking the period at the end and inserting a semicolon; and

(5) by adding at the end the following:

''(9) the term 'covered period' means the period that—

''(A) begins on January 1, 2020; and

''(B) ends 90 days after the last date of the COVID–19 national emergency; and

''(10) the term 'COVID–19 national emergency' means the national emergency declared by the President under the National Emergencies Act (50 U.S.C. 1601 et seq.) with respect to the Coronavirus Disease 2019 (COVID–19).''.

(b) EXCLUSION FROM DEFINITION OF EMPLOYMENT LOSS.—Section 2(b) of the Worker Adjustment and Retraining Notification Act (29 U.S.C. 2101(b)) is amended by adding at the end the following:

''(3) Notwithstanding subsection (a)(6), during the covered period an employee may not be considered to have experienced an employment loss if the termination, layoff exceeding 6 months, or reduction in hours of work of more than 50 percent during each month of any 6-month period involved is a result of the COVID–19 national emergency.''.

Subtitle B—Products

SEC. 261. APPLICABILITY OF THE TARGETED LIABILITY PROTECTIONS FOR PANDEMIC AND EPIDEMIC PRODUCTS AND SECURITY COUNTERMEASURES WITH RESPECT TO COVID–19.

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

(1) in subparagraph (C), by striking ''; or'' and inserting a semicolon;

(2) in subparagraph (D), by striking the period and inserting ''; or''; and

(3) by adding at the end the following:

''(E) a drug (as such term is defined in section 201(g)(1) of the Federal Food, Drug, and Cosmetic Act), biological product (including a vaccine) (as such term is defined in section 351(i)), or device (as such term is defined in section 201(h) of the Federal Food, Drug, and Cosmetic Act) that—

''(i) is the subject of a notice of use of enforcement discretion issued by the Secretary if such drug, biological product, or device is used—

''(I) when such notice is in effect;

''(II) within the scope of such notice; and

''(III) in compliance with other applicable requirements of the Federal Food, Drug, and Cosmetic Act that are not the subject of such notice;

''(ii) in the case of a device, is exempt from the requirement under section 510(k) of the Federal Food, Drug, and Cosmetic Act; or

''(iii) in the case of a drug—

''(I) meets the requirements for marketing under a final administrative order under section 505G of the Federal Food, Drug, and Cosmetic Act; or

''(II) is marketed in accordance with section 505G(a)(3) of such Act.''.

(b) CLARIFYING MEANS OF DISTRIBUTION.—Section 319F–3(a)(5) of the Public Health Service Act (42 U.S.C. 247d–6d(a)(5)) is amended by inserting ''by, or in partnership with, Federal, State, or local public health officials or the private sector'' after ''distribution'' the first place it appears.

(c) NO CHANGE TO ADMINISTRATIVE PROCEDURE ACT APPLICATION TO ENFORCEMENT DISCRETION EXERCISE.—Section 319F–3 of the Public Health Service Act (42 U.S.C. 247d–6d) is amended by adding at the end the following:

''(j) RULE OF CONSTRUCTION.—Nothing in this section shall be construed—

''(1) to require use of procedures described in section 553 of title 5, United States Code, for a notice of use of enforcement discretion for which such procedures are not otherwise required; or

''(2) to affect whether such notice constitutes final agency action within the meaning of section 704 of title 5, United States Code.''.

Subtitle C—General Provisions

SEC. 281. SEVERABILITY.

If any provision of this title, an amendment made by this title, or the application of such a provision or amendment to any person or circumstance is held to be unconstitutional, the remaining provisions of and amendments made by this title, as well as the application of such provision or amendment to any person other than the parties to the action holding the provision or amendment to be unconstitutional, or to any circumstances other than those presented in such action, shall not be affected thereby.

SA 2566. Mrs. HYDE–SMITH submitted an amendment intended to be proposed to amendment SA 2499 proposed by Mr. MCCONNELL to the bill S. 178, to condemn gross human rights violations of ethnic Turkic Muslims in Xinjiang, and calling for an end to arbitrary detention, torture, and harassment of these communities inside and outside China; which was ordered to lie on the table; as follows:

At the end, add the following:

SEC. 3. EXTENDING MEDICARE TELEHEALTH FLEXIBILITIES FOR FEDERALLY QUALIFIED HEALTH CENTERS AND RURAL HEALTH CLINICS.

(a) IN GENERAL.—Section 1834(m) of the Social Security Act (42 U.S.C. 1395m(m)) is amended—

(1) in paragraph (4)(C)—

(A) in clause (i), in the matter preceding subclause (I), by striking ''and (7)'' and inserting ''(7), and (8)''; and

(B) in clause (ii)(X), by inserting ''or paragraph (8)(A)(i)'' before the period; and

(2) in paragraph (8)—

(A) in the paragraph heading by inserting ''AND FOR AN ADDITIONAL PERIOD AFTER'' after ''DURING '';

(B) in subparagraph (A)—

(i) in the matter preceding clause (i), by inserting ''and the 5-year period beginning on the first day after the end of such emergency period'' after ''1135(g)(1)(B)'';

(ii) in clause (ii), by striking ''and'' at the end;

(iii) by redesignating clause (iii) as clause (iv); and

(iv) by inserting after clause (ii) the following new clause:

''(iii) the geographic requirements described in paragraph (4)(C)(i) shall not apply with respect to such a telehealth service; and'';

(C) in subparagraph (B)(i)—

(i) in the first sentence, by inserting ''and the 5-year period beginning on the first day after the end of such emergency period'' before the period; and

(ii) in the third sentence, by striking ''program instruction or otherwise'' and inserting ''interim final rule, program instruction, or otherwise''; and

(D) by adding at the end the following new subparagraph:

''(C) REQUIREMENT DURING ADDITIONAL PERIOD.—

''(i) IN GENERAL.—During the 5-year period beginning on the first day after the end of the emergency period described in section 1135(g)(1)(B), payment may only be made under this paragraph for a telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual if such service is furnished by a qualified provider (as defined in clause (ii)).

''(ii) DEFINITION OF QUALIFIED PROVIDER.—For purposes of this subparagraph, the term 'qualified provider' means, with respect to a

telehealth service described in subparagraph (A)(i) that is furnished to an eligible telehealth individual, a Federally qualified health center or rural health clinic that furnished to such individual, during the 3-year period ending on the date the telehealth service was furnished, an item or service in person for which—

''(I) payment was made under this title; or

''(II) such payment would have been made if such individual were entitled to, or enrolled for, benefits under this title at the time such item or service was furnished.''.

(b) EFFECTIVE DATE.—The amendments made by this section (other than the amendment made by subsection (a)(2)(D)) shall take effect as if included in the enactment of the Coronavirus Aid, Relief, and Economic Security Act (Public Law 116–136).

AUTHORITY FOR COMMITTEES TO MEET

Mr. PORTMAN. Mr. President, I have six requests for committees to meet during today's session of the Senate. They have the approval of the Majority and Minority leaders.

Pursuant to rule XXVI paragraph 5(a), of the Standing Rules of the Senate, the following committees are authorized to meet during today's session of the Senate:

COMMITTEE ON ARMED SERVICES

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, at 9:00 a.m., in open session to consider the nominations of Honorable John E. Whitley to be Director of Cost Assessment and Program Evaluation, Department of Defense; Honorable Shon J. Manasco to be Under Secretary of the Air Force; Ms. Michele A. Pearce to be General Counsel of the Department of the Army; and Mr. Liam P. Hardy to be a Judge of the United States Court of Appeals for the Armed Forces.

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, Augusts 4, 2020, at 2:30 p.m., in open session to receive testimony on the findings and recommendations of the Cyberspace Solarium Commission.

The Committee on Armed Services is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, at a time to be determined, in Executive Session to consider pending military nominations.

COMMITTEE ON FOREIGN RELATIONS

The Committee on Foreign Relations is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, at 10:00 a.m. to hold a full committee hearing titled ''Venezuela in Maduro's Grasp: Assessing the Deteriorating Security and Humanitarian Situation.''

SELECT COMMITTEE ON INTELLIGENCE

The Senate Select Committee on Intelligence is authorized to meet during the session of the Senate on Tuesday, August 4, 2020, form 2:00 p.m. to 4:00 p.m., to hold a closed business meeting immediately followed by a closed hearing.

COMMITTEE ON THE JUDICIARY

SUBCOMMITTEE ON THE CONSTITUTION

The Committee on the Judiciary is authorized to meet during the session of the Senate, on August 4, 2020, at 2:30 p.m., to conduct a hearing entitled ''The Right of the People Peaceably to Assemble: Protecting Speech by Stopping Anarchist Violence.''

PRIVILEGES OF THE FLOOR

Mr. CASSIDY. Mr. President, I ask unanimous consent that Matthew Fegley, a fellow in my office, be granted floor privileges for the remainder of the Congress.

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

Mrs. CAPITO. Mr. President, I ask unanimous consent that Emily Sammons, an intern in my office, be granted floor privileges through the remainder of the week.

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

REQUIRING THE SECRETARY OF COMMERCE, ACTING THROUGH THE DIRECTOR OF THE NATIONAL INSTITUTE OF STANDARDS AND TECHNOLOGY, TO HELP FACILITATE THE ADOPTION OF COMPOSITE TECHNOLOGY IN INFRASTRUCTURE IN THE UNITED STATES

Mr. MCCONNELL. Mr. President, I ask unanimous consent that the Senate proceed to the immediate consideration of Calendar No. 240, S. 384.

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

The senior assistant legislative clerk read as follows:

A bill (S. 384) to require the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, to help facilitate the adoption of composite technology in infrastructure in the United States, and for other purposes.

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

SECTION 1. FACILITATING THE ADOPTION OF COMPOSITE TECHNOLOGY IN INFRASTRUCTURE.

(a) RESEARCH.—Subject to the availability of appropriations, the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, shall implement the recommendations contained in the December 2017 report entitled ''Road Mapping Workshop Report on Overcoming Barriers to Adoption of Composites in Sustainable Infrastructure'', as appropriate, to help facilitate the adoption of composite technology in infrastructure in the United States. In implementing such recommendations, the Secretary, acting through the Director shall, with respect to the use of composite technology in infrastructure—

(1) not later than 1 year after the date of the enactment of this Act, develop a design for a data clearinghouse to identify, gather, validate, and disseminate existing design criteria, tools, guidelines, and standards in a timely manner;

(2) not later than 18 months after the date of the enactment of this Act, establish the data clearinghouse described in paragraph (1);

(3) develop methods and resources required for testing and evaluating safe and appropriate uses of composite materials for infrastructure, including—

(A) conditioning protocols, procedures and models;

(B) screening and acceptance tools; and

(C) minimum allowable design data sets that can be converted into design tools; and

(4) work with other Federal agencies, as appropriate, to identify environmental impacts and recyclability of composite materials.

(b) STANDARDS COORDINATION.—The Secretary, acting through the Director, shall assure that the appropriate Institute staff consult regularly with standards developers, members of the composites industry, institutions of higher education, and other stakeholders in order to facilitate the adoption of standards for use of composite materials in infrastructure that are based on the research and testing results and other information developed by the Institute.

(c) PILOT PROGRAM.—

(1) IN GENERAL.—Subject to the availability of appropriations, commencing not later than 1 year after the date of the enactment of this Act, the Director of the National Institute of Standards and Technology shall, in consultation with the Industry-University Cooperative Research Centers Program of the National Science Foundation, conduct a pilot program to assess the feasibility and advisability of adopting composite technology in sustainable infrastructure.

(2) DURATION.—The Director shall carry out the pilot program during the 4-year period beginning on the date of the commencement of the pilot program.

(3) REPORTS.—

(A) PRELIMINARY REPORT.—Not later than the date that is 2 years after the date of the commencement of the pilot program, the Director shall submit to the Committee on Commerce, Science, and Transportation of the Senate and the Committee on Science, Space, and Technology of the House of Representatives a report on the preliminary findings of the Director with respect to the pilot program.

(B) FINAL REPORT.—Not later than the date that is 90 days after the date of the completion of the pilot program, the Director shall submit to the committees referred to in subparagraph (A) a report on the findings of the Director with respect to the pilot program.

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

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

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

The amendment (No. 2567) in the nature of a substitute was agreed to, as follows:

Strike all after the enacting clause and insert the following:

SECTION 1. FACILITATING THE ADOPTION OF COMPOSITE TECHNOLOGY IN INFRASTRUCTURE.

(a) RESEARCH.—Subject to the availability of appropriations, the Secretary of Commerce, acting through the Director of the National Institute of Standards and Technology, shall implement the recommendations contained in the December 2017 report entitled ''Road Mapping Workshop Report on